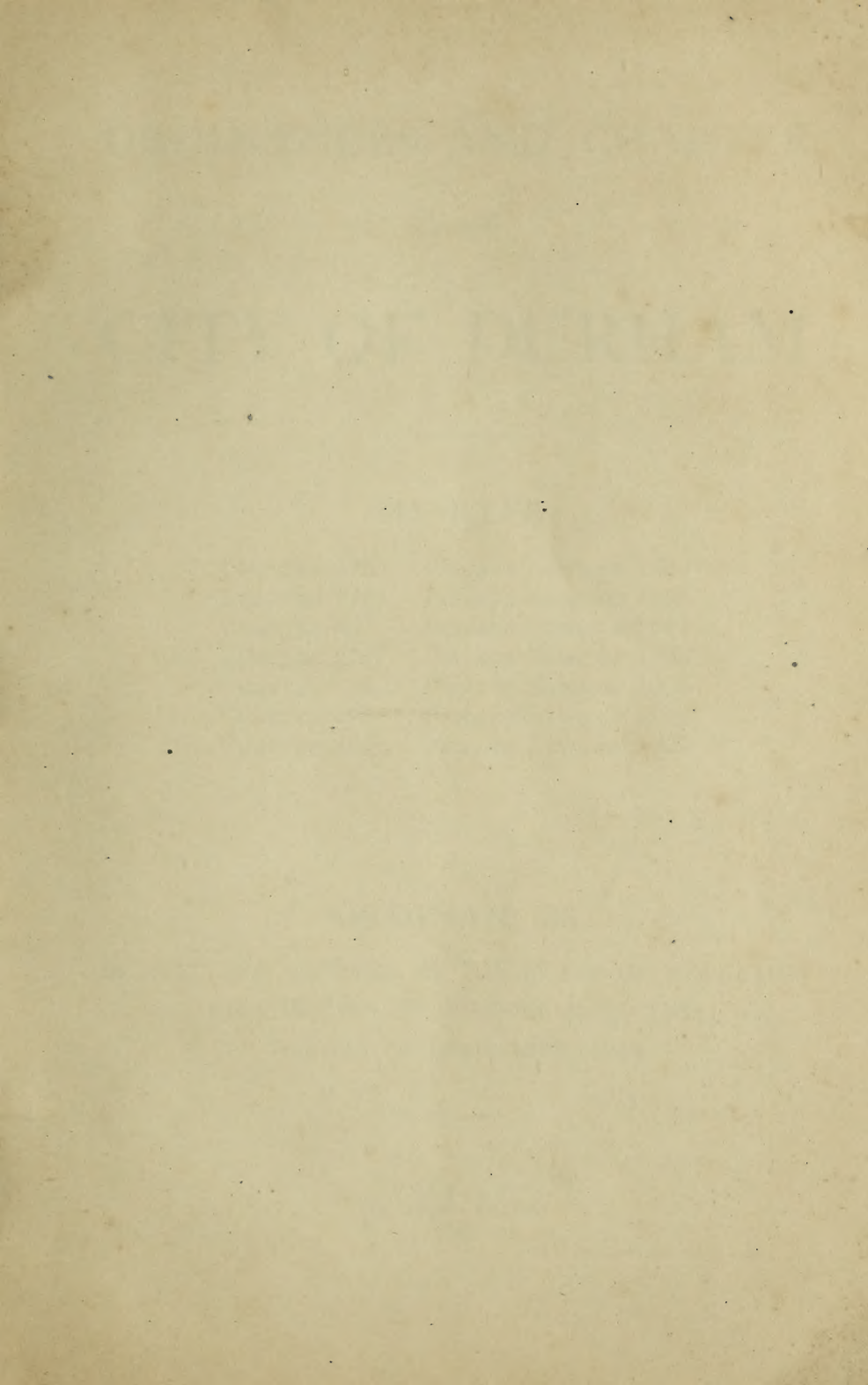
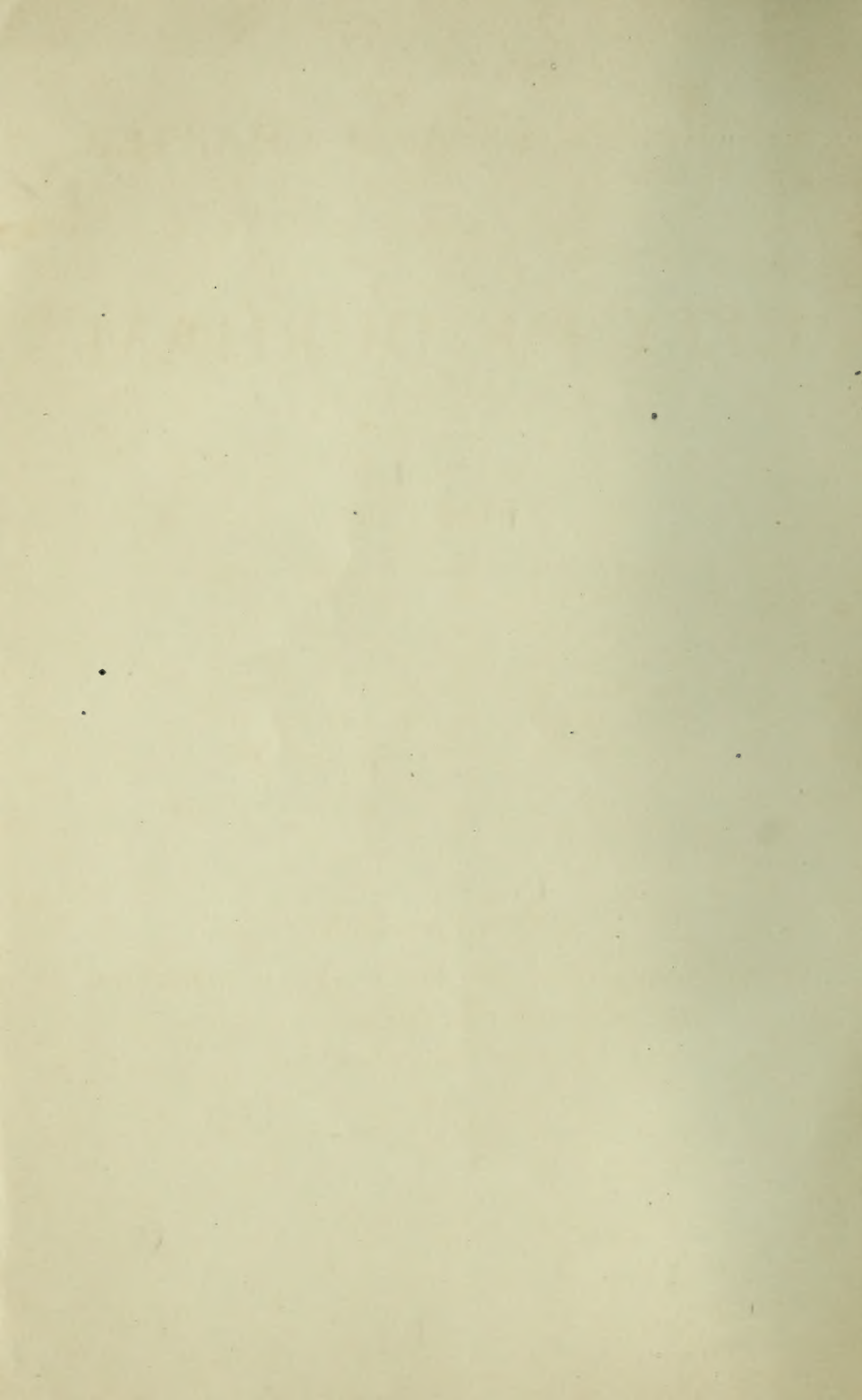


Ordinances and Charter
OF THE
CITY OF DURHAM



1914





ORDINANCES AND CHARTER

OF THE

CITY OF DURHAM

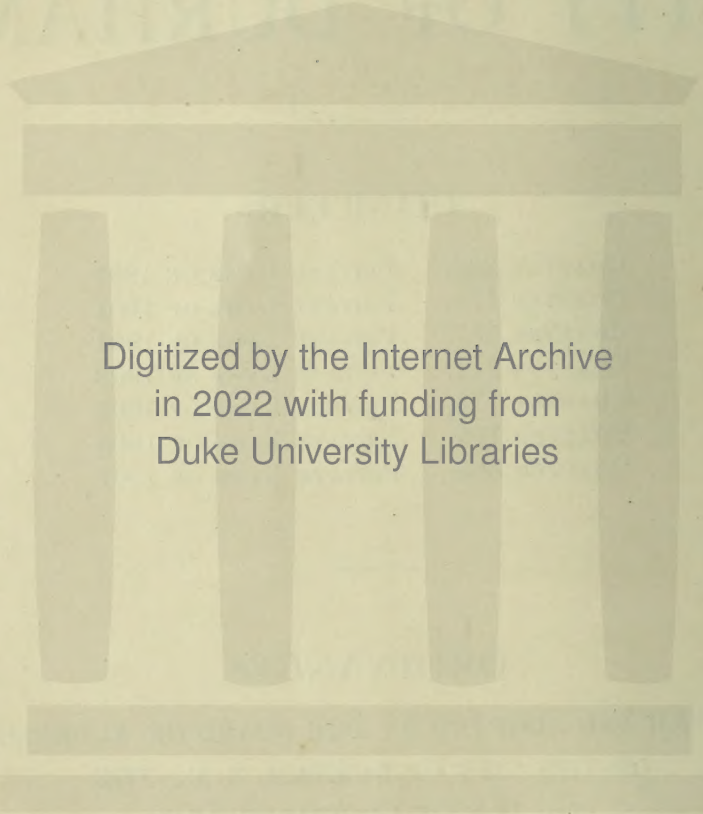
CHARTER

CHAPTER 235,	PRIVATE LAWS OF 1899
CHAPTER 178,	PRIVATE LAWS OF 1901
CHAPTER 357,	PRIVATE LAWS OF 1901
CHAPTER 211,	PRIVATE LAWS OF 1903
CHAPTER 76,	PRIVATE LAWS OF 1905
CHAPTER 199,	PRIVATE LAWS OF 1905
CHAPTER 365,	PRIVATE LAWS OF 1907

ORDINANCES

REVISED AND ADOPTED BY THE BOARD OF ALDERMEN
OF THE CITY OF DURHAM, N. C., THE
7TH DAY OF DECEMBER, 1914

DURHAM, N. C.
THE SEEMAN PRINTERY
1914



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THE BOARD OF ALDERMEN OF THE CITY OF
DURHAM DO ORDAIN THE FOLLOWING

ORDINANCES

FOR THE

CITY OF DURHAM

CHAPTER I.

RULES FOR THE GOVERNMENT OF THE BOARD OF ALDERMEN

SECTION 1. There shall be regular meetings of the Board of Aldermen at their office on the first and third Monday nights of each month: *Provided*, That instead of meeting on the first Monday night of the month of May in the year of an election for municipal officers of the City of Durham, the said Board shall meet on Wednesday night after the first Monday in said month. The Mayor, or a majority of the Board, may call a special meeting in case of emergency, but no business shall be transacted at such meeting except that for which it was called. Five members of the Board shall constitute a quorum. If a quorum fail to attend, the meeting shall stand adjourned to a day agreed on by a majority of the members present.

Regular and special meeting the Board of Aldermen.

SEC. 2. When a regular meeting shall be organized, the order of business shall be as follows: 1. Reading the proceedings of the last meeting, unless dispensed with by general consent. 2. Corrections, if any to be made. 3. Reports of committees: (a) Finance Committee; (b) Committee on Claims; (c) Market House Committee; (d) Street Committee; (e) Light Committee; (f) Water Committee; (g) Police Committee; (h) Cemetery Committee. 4. Report of Chief of Police. 5. Report of Health Officer. 6. Reports of any special committees. 7. Unfinished business. 8. Reading any

Order of business.

communication by the Clerk. 9. New business. If the Board direct any matter to be the special business of a future meeting, the same shall have precedence over all other business at such meeting. No proposition shall be entertained by the Mayor until it has been seconded, and every proposition shall, when required by the Mayor or a member, be reduced to writing.

Mayor decides
questions of or-
der.

SEC. 3. The Mayor shall preserve order and decide all questions of order, but any member may appeal to the Board from the decision of the Mayor upon any question of order, and on such appeal no Alderman shall speak more than once, without leave, nor longer than three minutes.

Previous ques-
tions.
Ayes and noes.

SEC. 4. The previous question may be called at any time by a majority of the members present. The ayes and noes may be called for by any member.

Motion to ad-
journ always in
order.

SEC. 5. A motion to adjourn shall always be in order, and shall be decided without debate.

Motions in order
when question is
under considera-
tion.

SEC. 6. When a question is under consideration, no motion shall be received except as follows: To lay on the table; to postpone to a time certain; to postpone indefinitely; to refer to a committee; to amend; to divide, and a motion to strike out and insert. Motions for any of these purposes shall have precedence in the order named.

Questions di-
vided.

SEC. 7. If a question under discussion contains several distinct propositions, the same shall be divided at the request of any member and a vote taken separately.

Amendments, etc.

SEC. 8. All amendments shall be considered in the order in which they are moved. When a proposed amendment is under consideration, a motion to amend the same may be made. No further amendment to such second amendment shall be in order; but when an amendment to an amendment is under consideration, a substitute to the whole matter may be received. No proposition on a subject different from the one under consideration shall be received under color of a substitute.

SEC. 9. No question decided by the Board shall be again brought forward at any subsequent meeting, except upon a motion for reconsideration made by some member voting with the majority. A motion to reconsider a vote shall not be in order except at the same or the succeeding meeting to that at which the vote was taken: *Provided*, That a vote or question may be reconsidered at any time by the vote of two-thirds of the Board.

Reconsideration

SEC. 10. Every ordinance shall be in force from its passage, unless otherwise ordered.

Ordinance in force from passage.

SEC. 11. All elections by the Board shall be made by ballot, if required by any two members present. A majority of all the members present shall be necessary to make an election or appointment.

Elections by ballot.

SEC. 12. All special committees shall, unless otherwise ordered, be appointed by the Mayor.

Special committees appointed by Mayor.

SEC. 13. The standing committees shall be as follows, elected by the Board by ballot, unless otherwise specified: Committee of two on Finance; Committee of two on Claims; Committee of three on Streets; Committee of three on Market; Committee of three on Water; Committee of three on Fire Department; Committee of two on Lights; Committee of two on Cemetery; Committee of two on Police; Committee of two on Public Health, appointed as hereinafter provided.

Standing committees.

SEC. 14. The reports of all committees shall be in writing. All reports recommending or requiring any action or expression of opinion by the Board, shall be accompanied by a corresponding resolution.

Report of committees.

SEC. 15. All applications and petitions to the Board shall be read and laid on the table, subject to any motion which an Alderman may think proper to make. All such applications and petitions shall be presented through the Clerk of the Board.

Applications and petitions.

SEC. 16. Resignation of members of the Board of Aldermen shall be in writing, and any resignation shall lie on the table until the next regular meeting.

Resignation of members.

Money appropriated or ordinance repealed only at regular meeting.

SEC. 17. No proposition to appropriate money, to alter or repeal any ordinance or rule of the Board, or to enact any new ordinance, or to establish any new rule, or to elect any officer shall be made or decided at any other than a regular meeting.

SEC. 18. That whenever an alderman addresses the Board he shall do so in a standing position and no alderman shall be allowed to speak more than five minutes on any question, except by the consent of the Mayor.

CHAPTER II.

DUTIES OF OFFICERS AND COMMITTEES

City Clerk.

SECTION 1. The City Clerk shall keep safely the books, papers, records and journals of the city, and record all the proceedings and acts of the Board of Aldermen. He shall, under the direction of the Board of Aldermen, make out the tax lists according to the provisions of the City Charter and perform such other duties as the Aldermen may prescribe. He shall receive such compensation as the Board shall allow, and shall give a justified and satisfactory bond in the sum of five hundred dollars, for the faithful performance of his duties.

SEC. 2. The City Bookkeeper shall keep the books of the city in accordance with the system approved by the Board of Aldermen. He shall also be Assistant City Clerk, and in the absence of the City Clerk, shall perform all the duties pertaining to that office. He shall perform such other duties as the Aldermen may prescribe and shall receive such compensation as the Board shall allow. He shall give a justified and satisfactory bond payable to the City of Durham in the sum of five hundred dollars for the faithful performance of his duties.

SEC. 3. The City Treasurer shall receive all moneys due the city or by law payable to him and receipt for the same. He shall pay out no money, except on presentation of proper vouchers authorized by the Aldermen. He shall make a

monthly statement to the Board of Aldermen showing amounts received, and from what source, and amounts disbursed, accompanied by vouchers for the same, and condition of funds on hand. He shall receive such compensation as the Board shall allow, or is otherwise fixed by law, and shall give a justified and satisfactory bond in the sum of twenty-five thousand dollars, for the faithful discharge of his duties.

SEC. 4. The Chief of Police shall collect all the taxes due the City, except as otherwise provided for; and in such capacity of tax collector shall have all the power and authority which the sheriff has in the collection of State taxes.

He shall issue licenses for all special taxes provided for in the Charter and the Ordinances of the City, except as otherwise provided for by law.

He shall render monthly to the Board of Aldermen a statement in writing designating all ordinances which have been violated and the disposition of each such case.

SEC. 5. The City Attorney shall be the legal adviser of the Board of Aldermen and the Mayor. He shall be elected by the Board of Aldermen at their first annual meeting in May, and shall receive such compensation as the Board may allow. City Attorney.

SEC. 6. The Finance Committee shall perform the duties hereinafter indicated, and shall have, under the authority of the Board, general control of the finances of the city. It shall receive the reports of the City Treasurer, examine his books and vouchers; at all times carefully investigate the city's financial condition, negotiate necessary loans under the direction of the Board, and recommend all expenditures of money, not otherwise provided for. Finance committee.

SEC. 7. Claims against the city for goods furnished, services rendered, and all claims of whatever kind, shall be presented to the Claims Committee, which shall examine all the said claims and bills, and the evidence thereof, and shall report thereon to the Board, classifying the various claims and recommending the acceptance or rejection, or further inquiry into each. Claims committee.

Fire committee.

SEC. 8. The Fire Committee shall perform the duties hereinafter set out under the chapter entitled "The Fire Department."

Street committee.

SEC. 9. The Street Committee shall perform the duties hereinafter set out in the chapter entitled "Streets and Street Commissioner." To it shall be referred all petitions for new streets; the alteration or change of streets or sidewalks or the grade of either. It shall examine and have control of the private sewers of the city.

Market committee.

SEC. 10. The Committee on the Market shall have general control of the market house; shall make frequent investigation as to its condition and conduct, and shall perform the duties hereinafter set out in the chapter entitled "Market House." All petitions and requests relative to the market shall be referred to it.

Water committee.

SEC. 11. The Committee on Water shall have general control and supervision of the water supply of the city; it shall make frequent examinations of the condition and management of the waterworks, pipes, reservoir and hydrants. All petitions relative to the water of the city shall be referred to it.

Light committee

SEC. 12. The Light Committee shall have general control of the lights for the streets and buildings or halls owned or used by the city and perform such other duties as shall be lawfully prescribed.

Cemetery committee.

SEC. 13. The Cemetery Committee shall have general control of the cemetery, shall visit and inspect the same and perform the other duties prescribed in the Charter and Ordinances of the city.

Police committee.

SEC. 14. The Police Committee shall have general control of the Police Department, supervise and inspect the police station and guard house and perform such other duties as may be prescribed by the Board.

SEC. 15. The Committee on Public Health shall consist of two members to be appointed by the Mayor and to this Committee shall be referred all questions coming before the Board of Aldermen relating to public health and said

Committee shall pass on and report to the Board of Aldermen all appropriations made for the Board of Health of the City of Durham.

SEC. 16. The Clerk of the Market, with the advice and the direction of the Committee on the Market, shall have control of the market house of the city, and shall perform all the duties indicated in, and see to the observation of all the ordinances of the chapter entitled, "The Market and Scales." He shall have all the powers and authority of a policeman of the city to make arrests anywhere for the violation of any ordinances of the chapter entitled, "The Market and Scales." of the city scales and make monthly returns to the Board. He shall receive such compensation as the Board may see fit; and shall give a bond justified and satisfactory to the Board, in the sum of three hundred dollars, for the faithful performance of his duties.

Market Clerk.

CHAPTER III.

CONCERNING THE STREETS AND STREET COMMISSIONER

SECTION 1. At the first regular meeting of the Board of Aldermen in May of each year, or as soon thereafter as may be determined by the Board, there shall be elected by the Board of Aldermen a Street Commissioner, who shall give a bond of five hundred dollars for the faithful performance of his duties. His salary shall be fixed by the Board of Aldermen.

Election of
Street Commis-
sioner.

SEC. 2. The Street Commissioner shall employ and superintend all the laborers required by the City to work upon the streets and other public highways. He shall hire foremen, at prices to be agreed upon, to work and superintend laborers in his absence. He shall make requisitions upon the City Purchasing Agent for all supplies for his department. He shall report to the Purchasing Agent each week the time that each employee has worked, the cost of the labor and material, and all other expenses incurred by him on account of the City. He shall certify to the correctness of all accounts

due for labor, lumber and all other expenses incurred by him for the use of the City. He shall further perform all the duties imposed upon him in this chapter, and which may hereafter be imposed by the Board of Aldermen.

Occupants of lots
to keep foot-
ways, sidewalks
and gutters open.

SEC. 3. Every occupant of a lot on any street shall keep the footway or sidewalk clear, and the gutter open and free from obstruction as far as such lot extends. If any rubbish dirt, ashes or any other thing be placed or left, without lawful authority, upon such footway or sidewalk, or upon such gutter, the occupant of such lot shall remove the same; if twelve hours elapse after notice, oral or written, by the Chief of Police, or by the Street Commissioner, or by an Alderman, without such removal, the occupant shall, upon conviction, be fined five dollars, and every additional twelve hours shall constitute a separate offense, subject to a like fine.

Doors to cellars
and vaults kept
closed.

SEC. 4. Every owner or occupant of a house on a street which has a cellar door or vault in a public footway, shall keep the same in good repair and shall keep the door closed at all times, or a guard stationed there to warn the public. If such owner or occupant shall, after being notified so to do by the Mayor, or by a member of the Committee on Streets, or by the Street Commissioner, or by the Chief of Police, either in person or through a policeman, fail for the space of three days to repair the same, he shall be fined five dollars; and every day that shall elapse thereafter, until the repair is made, shall constitute a distinct offense. If there be several owners of such house, it shall be sufficient to give the said notice to any one of them. If the owner be a nonresident, the notice may be given to his agent, or to the occupant of the house, and if either fail to comply with the provisions of this section, he shall be fined five dollars. If such owner or occupant leave the door open, in violation of this section, he shall be fined five dollars.

No obstruction
beyond line of
sidewalk.

SEC. 5. No person shall encroach upon the streets, by building or erecting any porch, stoop, paling, chimney, building or other structure, beyond the line of the inner side of the sidewalk. Every person so offending, after being notified by the Mayor, Street Commissioner, or some member of the Street Committee, shall remove the said encroachment, and

if he fail to do so for two days, it shall be removed by the Street Commissioner at the expense of the owner of the building, and said owner shall be fined one dollar a day for every day it remains after expiration of said time, and said expense shall be a lien upon the property in the same manner and to the same extent as taxes are.

SEC. 6. No brick, stone, wood or other substance obstructing the streets, shall be suffered to lie in the streets of the city; and no person shall place in any street or alley, or upon any sidewalk, any boxes, casks, crates, barrels, rubbish, trash or other obstruction: *Provided*, That this shall not apply to persons building. Every person offending against this provision shall be fined five dollars for each and every offense, and a like sum for each and every day that such obstructions are permitted to remain.

No substance permitted to lie in streets.

SEC. 7. No wood, coal, chips or trash accumulating from cutting wood, nor any trash, rubbish or dirt removed from any lot, cellar or other place, shall be permitted to remain on any street for a longer period than twenty-four hours after said wood, coal, chips or trash, rubbish or dirt, shall have been placed or deposited there; any person violating this section shall be fined one dollar, and such further sum as may be necessary to remove the same: *Provided*, That the owner of said wood, coal, chips or trash, rubbish or dirt, shall be considered the offender against this ordinance.

No trash or dirt permitted to remain on streets more than 24 hours.

SEC. 8. No person shall throw any glass or other substances injurious to bicycle tires, or horse or cattle feet, on the streets or sidewalks of the city. Any person violating this ordinance shall, upon conviction, be fined five dollars for each offense.

No substances injurious to bicycles allowed in streets.

SEC. 9. No person shall throw any banana peeling, peanut hulls or other like substance upon the sidewalks of the city. Any person violating this ordinance shall, upon conviction, be fined one dollar for each offense.

Banana peeling.

SEC. 10. No produce, merchandise, cook provisions, poultry, fruits, vegetables or other commodity shall be exposed for sale, or for advertisement, or as samples in or upon any

sidewalk, alley, gutter or street of the City on the space in front of any buildings (used as a sidewalk).

Any person violating this ordinance shall, upon conviction, be fined one dollar for each offense; *Provided*, That the owner of said produce, merchandise, cook provisions, poultry, fruit, vegetables or other commodity shall be considered the offender under this section.

Trees may be planted.

SEC. 11. The citizens of the city may plant trees in front of their lots according to directions of the Street Commissioner. If any person or corporation shall directly or indirectly cut, destroy or injure said trees, without permission from the Board of Aldermen, he or it shall, upon conviction, be fined five dollars.

No animals fed on streets or hitched to the sidewalks.

SEC. 12. If any person shall feed any horse, mule or other animal on any street, or shall hitch any of said animals to any shade trees in the city, he shall, upon conviction, be fined one dollar for each offense.

No ditches or trenches digged, or trash deposited, without permission or consent of Street Commissioner.

SEC. 13. No person shall dig any ditch or trench across any street or sidewalk of, nor deposit any dirt, rubbish or trash taken from any cellar or other place upon, any of the streets in the City of Durham, without permission or consent of the Street Commissioner, and any person violating this section shall, upon conviction, be fined five dollars for each and every offense.

No sand or dirt removed without permission.

SEC. 14. No person shall remove any sand or dirt from any of the streets, alleys or sidewalks in the City of Durham without the permission of the Street Commissioner, and any person violating this section shall, upon conviction, be fined five dollars.

Persons doing business on certain streets to clean and sweep trash away.

SEC. 15. Every person doing business on Main, Parrish, Peabody, Church, Mangum or Corcoran streets, shall, after closing his place of business at night, or before 7 o'clock a. m. of each day, clean and sweep and sprinkle the trash and dirt from the sidewalk in front of his place of business, and so pile or arrange the same that it can be readily removed by the street cart, and any person violating this section shall, upon conviction, be fined five dollars for each offense.

SEC. 16. No person shall deposit or throw or sweep any paper or unsightly trash or garbage upon the sidewalk or streets of the city, and any person violating this section shall, upon conviction, be fined one dollar.

No paper or trash upon sidewalks.

SEC. 17. No person shall lead, ride or drive any bicycle except in case of accident, horse or other animal upon any footway or sidewalk, except at a regular or established crossing, and then only for the purpose of going into or out of said lot; nor shall any person place on the footway or sidewalk, of any public street any wheelbarrow, hand-cart, hand-carriage or other vehicle, except in passing directly across the footway, into or out of a house or lot. Any person violating this ordinance shall, upon conviction, be fined one dollar for such offense: *Provided*, Nothing in this section shall prevent the use, on such footway or sidewalk, of a hand-carriage to carry an infant or invalid.

No obstructions at crossings upon sidewalks.

SEC. 18. No person shall drive any dray, cart or wagon in any public street faster than at the rate of four miles per hour, nor shall the driver of any vehicle on any street wantonly crack his whip, to the annoyance of others, nor suffer his vehicle to stand or pass on any street without holding the reins, except in the case of a wagon, cart or dray while delivering or receiving a load. When vehicles meet, each shall go to the right. Any person offending against any provision of this section shall, upon conviction, be fined one dollar for each offense.

No person to drive, etc., more than 4 miles an hour, nor crack whip, etc.

Vehicles to go to right.

SEC. 19. No person shall ride or drive any horse or other animal in any street faster than at the rate of six miles per hour, nor break any horse or other animal, in any street. Any person violating this section shall, upon conviction, be fined five dollars for each offense.

No riding or driving faster than 6 miles an hour, nor break any horse, etc.

SEC. 20. No person shall stop or drive any wagon, carriage, buggy, cart or other vehicle, drawn by horse or mule or other beast of burden, or run a bicycle or wheelbarrow or hand-cart, upon the sidewalks of the city: *Provided*, A driving across such sidewalk shall not be deemed a violation of this section; nor shall any person stop any of the vehicles above mentioned on the crossing for foot passengers on any street

Vehicles not to stop on sidewalks.

or streets. Any person violating this section shall be fined one dollar for each offense, and twenty-five cents for every five minutes he shall remain thereon, after notice to move off by any officer or citizen of the city.

SEC. 21. No person shall ride or drive a bicycle or motorcycle within the City of Durham in the night time without light sufficient to give warning, nor shall any such person ride such bicycle or motorcycle at a greater rate of speed than ten miles an hour in the fire limits and fifteen miles an hour outside the fire limits. All bicycles and motorcycles shall be provided with bells or other devices and shall give warning when passing pedestrians, vehicles, turning corners and crossing streets.

Any person violating this ordinance shall be fined One Dollar (\$1.00) for each and every offense.

All ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

SEC. 22. No person shall ride a bicycle or motorcycle or ride or drive an automobile within the City of Durham in the night time without a lantern or other light sufficient to give warning.

Any person violating this section, shall, upon conviction, be fined one dollar.

SEC. 23. Any person who shall injure any bridge or other property belonging to the city, or place any obstruction in any street, sidewalk, culvert, drain or sewer, public or private, shall, upon conviction, be fined ten dollars; and if he fail to remove the same for twelve hours after notice by the Mayor or Street Commissioner or one of the Street Committee, every day that shall elapse thereafter without such removal shall constitute a distinct offense.

SEC. 24. No wagon, cart, carriage, buggy, bicycle, motorcycle, automobile or other vehicle shall be permitted to block up or obstruct the entrance or passage to any public or private lot.

SEC. 25. The Street Commissioner shall notify all persons having trees in front of their lots to have them properly trimmed. If the owner or occupant refuse or delay compli-

Injury to bridges
and obstruction
to streets.

Vehicles not in
use shall not stand
on street.

Trees to be trim-
med.

ance more than five days, they shall be trimmed under the superintendence of the Street Commissioner, the expense thereof to be charged to the owner or occupant of said lot, to be recovered by warrant before the Recorder. Any person refusing to comply with this ordinance shall, upon conviction, be fined \$10.00.

SEC. 26. Whenever streets shall have been ordered to be opened, and an assessment shall have been duly made according to law, and approved by the Board, the Street Commissioner shall open the same so as to give the right of way to the public, even if he is unable to grade them at the time.

Streets opened.

SEC. 27. Neither the Street Commissioner nor the Street Committee shall be allowed to enter upon any work except ordinary repairs, without the previous consent of the Board; and whenever any work is proposed to be done, a detailed estimate of the cost thereof shall be submitted to the Board.

Street work must be ordered by Board.

SEC. 28. No account for work by contract shall be allowed until the work so contracted for shall be examined by the Street Commissioner, who shall certify to the Board whether the same is done as prescribed in the proposal.

Street Commissioner must examine work done by contract.

SEC. 29. The Street Committee shall report every month to the Board the amount of work performed, the locality and character of the work, and the quality of the labor employed, distinguishing skilled mechanic from common labor.

Report of street committee to show work done.

SEC. 30. The Street Commissioner shall notify in writing all owners or lessees of lots of land in the city whenever the sidewalks on or adjacent to the same shall need repairing, giving directions how it shall be done. If ten days shall elapse and the owner or lessee shall fail or neglect to repair as ordered, he shall be deemed guilty of a misdemeanor and fined ten dollars for each day's neglect (after the expiration of the said ten days from the notice) to make said repairs.

Street Commissioner to notify owners or lessees to repair streets.

SEC. 31. The owner of any lot in the City of Durham fronting or adjoining a street, on which a sidewalk has been, or may hereafter be established, shall, upon notice, improve,

Repair and improvement of sidewalks.

curb, repair or pave the sidewalk fronting or adjoining said lot in such manner and with such material as the Board of Aldermen may direct, and the expenses thereof shall be divided equally between the city and the owner. If any owner of such lot shall, after twenty days' notice in writing or (if personal notice cannot be given) after twenty days' notice in the newspapers of Durham, fail to improve, curb, repair and pave said sidewalk in the manner prescribed by the Board, the Street Commissioner shall improve, curb, repair or pave the same, and one-half the expense thereof, together with all the costs of such notice, shall be a lien upon said lot as taxes are. The said amount shall be reported to the Board of Aldermen and entered by the City Clerk or the Tax Collector upon the tax list, against the owner, and the same shall be collected by the Tax Collector, in the same manner, and subject to the same provisions as he collects taxes.

SEC. 32. That all persons, firms or corporations operating railroads in the City of Durham, shall maintain culverts of sufficient size for the ready flow and passage of surface water under their tracks, and such culverts shall be made and constructed in such a manner as to prevent the backing of water upon adjacent property and streets.

Any person, firm or corporation violating the provisions of this section shall be fined ten dollars, and each day thereafter shall constitute a new and separate offense.

No awning to be within 8 feet of sidewalk.

SEC. 33. No owner or the lessee of any building in the city to which there is an awning shall permit the frame of said awning, or any part thereof, to be so low as within eight feet of the sidewalk or street. Any violation of this ordinance shall subject the offender to a fine of one dollar each day said awning so continues within the distance forbidden.

Water not to drain or flow on sidewalk.

SEC. 34. No owner or lessee of property shall, after five days' notice from the Street Commissioner, allow the water to drain from the roofs of buildings on the sidewalks of said city, nor allow the gutters to empty on the sidewalks. Any person violating this ordinance shall, upon conviction, be fined five dollars.

SEC. 35. That no lemonade or candy stand shall be allowed on Main Street, from Five Points to Roxboro Street, or within five feet of the building line of Main Street, between the mentioned points.

Any person violating this ordinance shall be fined five dollars, and the Chief of Police shall remove the same.

SEC. 36. No person shall roll, push or drag in the streets, or sidewalks of the city, empty or loaded hogsheds, tierces, barrels or boxes. Any person violating this section shall be fined ten dollars.

No barrels, tierces or hogsheds to be rolled along streets.

SEC. 37. No person shall build any grating or pavements in any of the streets or sidewalks of the city over any basement or cellar except of iron, stone or some indestructible substance other than wood. Any person violating this ordinance shall be fined five dollars, and five dollars for every twenty-four hours same remains.

Grating to be of iron and stone.

SEC. 38. No person or crowd of persons shall obstruct and impede travel on the streets of the city. Any person failing to move when admonished by any citizen or policeman, shall be fined five dollars for each offense.

Crowds must not obstruct travel.

SEC. 39. It shall be unlawful for any person to leave any hack, carriage, wagon, automobile or other vehicle on the streets without some person in actual charge or near at hand to move it if notified so to do, so as to prevent obstruction or blocking of the streets or endangering the public by run-aways or otherwise.

Any person violating this ordinance shall, upon conviction, be fined one dollar.

SEC. 40 No plumber, corporation or person, either in person or by servant, shall put down any water pipe, sewerage pipe or other piping, in the streets or sidewalks of the city, whose upper surface shall be within thirty inches of the profile of said street or sidewalk. Any person violating this ordinance shall be fined ten dollars: *Provided*, The Street Commissioner shall, upon application, indicate to said person desiring to lay pipe in street, the depth required to place pipe below said surface.

Piping to be 30 inches below profile of street.

Streets and sidewalks not to be left disarranged.

SEC. 41. Any plumber, corporation or person who disarranges any street or sidewalk of the city, either in person or by servant, in putting in any water, sewerage or other piping, shall replace the said street or sidewalk in as good condition at least as it was previous to the said disarrangement. Upon his failure to do so for two days after being notified so to do by the Street Commissioner, he shall be fined ten dollars, and each day thereafter that the said street or sidewalk remains unrepaired as aforesaid shall constitute a separate offense under this section, and a like fine shall be imposed.

Red lights left upon unfinished streets at night.

SEC. 42. No person engaged in building, altering or repairing the streets or sidewalks of the city, shall leave the same in an unfinished condition at night, without first having suspended a red light in a conspicuous position. Any person violating this ordinance shall, upon conviction, be fined five dollars.

Street Commissioner to examine buildings and may condemn.

SEC. 43. It shall be the duty of the Building Inspector to inspect all buildings now erected, or hereafter to be erected, and condemn such as are unsafe or dangerous to life or limb by reason either of their defective construction, dilapidation or combustible condition. And he shall notify the owner or owners to remove or repair such as are condemned, within ten days, and if the owner or owners refuse or neglect to remove or repair the same for the space of ten days, the Commissioner shall cause the same to be removed at the expense of the owner or owners.

Penalty for failure to perform their duty.

SEC. 44. If the Building Inspector shall fail to perform the duties prescribed in the preceding section, he shall be fined ten dollars for every such neglect.

SEC. 45. That it shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street that has been macadamized or paved, without first acquiring a license therefor in writing from the Plumbing Inspector.

SEC. 46. That if any person, firm or corporation shall make such excavation or do any such work without first having obtained such license, or if any person, firm or corporation shall fail or refuse to immediately repair said street,

such person, firm or corporation shall be subject to a penalty of \$50.00 for each and every offense; and each day's continuance of such failure or refusal to repair shall constitute a separate and distinct offense.

SEC. 47. That it shall be the duty of every person, firm or corporation who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the City, to put the said street, public alley or sidewalk in as good condition in all respects as it was before, and every person, firm or corporation violating or failing to observe the provisions of this section shall be subject to a penalty of \$50.00. Every day of such failure, neglect or refusal to put said street, alley or sidewalk in as good condition as it was before shall constitute a separate and distinct offense: *Provided*, That this section shall not be construed to invalidate other provisions in regard to digging up streets.

SEC. 48. Except in cases of emergency caused by breaking or leaking of pipes, the Street Commissioner shall not grant the permission required in the two next preceding sections, but shall refer requests and applications to the Street Committee.

When permission is granted to repair pipe.

SEC. 49. No piping, sewerage, water or other underground piping shall be placed or laid in the City of Durham, until the same shall have been inspected and approved by the Street Commissioner, or some person designated by him. Any person, agent or corporation violating this section shall be fined ten dollars.

Inspection of piping.

SEC. 50. No person engaged in building, altering or repairing any building or other structure near any street or sidewalk of the city, shall unnecessarily obstruct any street or sidewalk of the city in doing so, or leave any rubbish or building materials in the street or on the sidewalk near such building or structure at night without leaving suspended one or more red lights in a conspicuous position upon such rubbish or building materials to warn persons of danger in passing the same. Any person violating this ordinance shall, upon conviction, be fined five dollars, and each day or night's omission to comply with this ordinance shall be deemed a separate offense.

Obstruction of streets and sidewalks.

Washing win-
dows.

SEC. 51. No person, firm or corporation shall wash windows fronting or being on any street in the City of Durham or cause the same to be washed with hose except between the hours of 11 o'clock p. m. and 7 o'clock a. m. Any person, firm or corporation violating this ordinance shall be fined five dollars.

Penalty for in-
jury to street
signs.

SEC. 52. No person or persons shall mutilate, deface, remove, or in any manner injure any of the street signs of the City of Durham. Any person or persons violating this ordinance shall, upon conviction, be fined ten dollars.

Suspended signs
prohibited.

SEC. 53. No person, firm or corporation shall suspend any signs, banners, or other advertising matter in, over or across any street in the City of Durham; and no person, firm or corporation owning or operating any wire or wires, electric or otherwise, in or along the streets of said city, shall permit or cause to be suspended on any said wire or wires any signs, banners, or other advertising matter whatsoever. Any person, firm or corporation violating this ordinance, or any part thereof, shall, upon conviction, be fined ten dollars for each offense, and every day the same is allowed to remain so suspended shall constitute a separate offense, and subject the offender to a like fine.

Record of cost
brick paving,
chargeable to lot
owners.

SEC. 54. That whenever a brick or any improved sidewalk is laid by order of the Board of Aldermen, it shall be the duty of the Street Commissioner to, within thirty days after the same shall have been completed in front of any lot, report to the Clerk of the Board of Aldermen the amount of said paving, and the cost thereof, chargeable against said lot owner, and he shall include in his report a brief description of the lot and the name of the owner.

SEC. 55. Upon receipt of such report from Street Commissioner, it shall be the duty of the Clerk of the Board of Aldermen to enter the same in the book provided for that purpose, and called "Sidewalk Assessment Book," and he will also keep a proper index to the same, a statement of the amount of said paving and the cost thereof, together with a brief description of the lot and the name of the owner.

SEC. 56. It shall be the duty of the Tax Collector within ten days after the City Clerk shall docket said assessments to collect the same from the owner thereof, and receipt for the same in said book. And if said owner shall neglect or refuse to pay such assessment, the Tax Collector shall report same to the next regular meeting of the Board of Aldermen.

Tax Collector to collect for cost sidewalks.

SEC. 57. Said assessment book shall be kept by the Clerk of the Board of Aldermen in his office and be open at all times to the inspection of the public.

Assessment book open for inspection.

SEC. 58. That the street sweeping wagon shall have right-of-way in and upon the streets of the City of Durham, and any person obstructing or neglecting to make way for said street sweeping wagon shall be fined two dollars for each offense.

Street sweeping wagon to have right of way.

SEC. 59. That it shall be unlawful for any person or persons to obstruct the approach to any public or private fire hydrants so as to prevent its use in case of fire. Any person or persons violating this ordinance shall be fined two and one-half dollars for the first day the hydrant is so obstructed, and one dollar each day thereafter while said obstruction remains.

Penalty for obstructing approach of fire hydrants.

SEC. 60. No person shall place on the streets or sidewalks of the said city any loose bills or signboards under a penalty of five dollars for each and every offense, and for each day the same is allowed to remain shall constitute a separate offense, and subject the offender to a like penalty.

Loose bills or sign-boards not to be placed on streets or sidewalks.

SEC. 61. No person, firm or corporation shall leave any dray or other vehicle standing upon the streets of the City of Durham unless said dray or other vehicle is attached to a horse or some other domestic animal ordinarily used to draw such dray or other vehicle. Any person, firm or corporation violating this ordinance shall be fined one dollar for each and every offense.

Vehicles not attached to horses or other domestic animals not allowed to remain on street.

SEC. 62. No person, firm or corporation shall begin the excavation of any lot or lots abutting on any street or sidewalk in the City of Durham until they have enclosed the same fronting on such streets or sidewalks to the height of eight feet with a substantial close board fence. Any person, persons, firm or corporation violating this ordinance shall be fined five

Enclosing excavations abutting on streets or sidewalks.

dollars for each and every day that such lot or lots so remain unenclosed after such excavation shall begin.

Opening of new streets, sale of lots thereon, etc., to be approved by Board.

SEC. 63. No individual, corporation, association or partnership shall open up or lay out any new street or streets, or sell or offer for sale, lot or lots abutting on same without first having had a plot of said proposed street or streets, together with such existing streets of the city that connect with or open into the same, made and submitted to the Board of Aldermen and approved and accepted by said Board. Persons offending against this provision shall be fined fifty dollars for each and every offense.

SEC. 64. It shall be unlawful for owners or drivers of public hacks or carriages while waiting for or soliciting customers to stand upon the sidewalks of Church Street farther than one foot from the outer edge of curbstone, and the drivers of public hacks or carriages while waiting for or soliciting customers shall not be allowed to stand at the end of the sidewalks of Church Street next to the Union Depot.

Any driver of a public hack or carriage violating this ordinance shall be fined five dollars upon conviction.

SEC. 65. That no person or persons shall be permitted to conduct the business of livery stable on Main Street between Roxboro and Morris Streets, but the right of ingress to such stables will be permitted but not egress, and every person maintaining such place of business must have a printed or painted sign indicating the right to enter the building from Main Street but not to drive from the building to said street.

Any person or persons violating this ordinance shall, upon conviction, be fined one dollar for each offense, and for every day said ordinance is violated it shall be a new offense.

SEC. 66. That all awnings, shelters and artificial shades of any kind now extended over the sidewalks within the fire district of the City of Durham shall be supported in substantial manner by chains, braces or rods attached to buildings to which said awnings, shelters or artificial shades are affixed or by posts or rods set in an upright manner and located against inside of curbstone.

2. That all awnings, shelters and artificial shades of any kind that may be extended over the sidewalks within the fire district of the City after the ratification of this ordinance shall be supported in substantial manner by chains, braces or rods attached to buildings to which said structures may be affixed.

3. That all posts and poles now situated or that may be in future situated on the sidewalks within the fire district of the City be located against inside of curbstone.

4. Any firm, person or corporation failing to comply with this ordinance shall be fined five dollars for each offense.

SEC. 67. (1) When any property owner desires to have a concrete sidewalk constructed along his or their property, abutting curb streets, he shall, before any work is commenced, obtain written permission from the City Engineer, showing the size of sidewalk to be constructed. Only when this provision shall have been complied with, will the City bear any portion of the expense of the construction of the sidewalk, and the obtaining of this permission shall be considered a waiver of the notice as required by the Charter of the City of Durham.

(2) The entire cost of the construction of the sidewalk shall be paid to the contractor by the City, and the property owner's share of the construction, as determined by paragraph 5 of this ordinance shall be collected by the City from the property owner.

(3) The City Engineer shall turn into the City Clerk on each regular meeting night of the Board of Aldermen a written account showing what sidewalks have been accepted by him, since the previous meeting; the name of the property owner, the location; the amount chargeable to the City and the amount chargeable to the property owner, together with a bill made out in favor of the Contractor for the sidewalks accepted by him, which bill when properly approved will be paid.

(4) The Tax Collector upon receipt of this written account from the Clerk, shall immediately present a bill to the property owner for amount due to the City by him accompanied by written notice that, if the bill is not paid within sixty days (60), action under the Charter of the City of Durham will be instituted against him to collect the account, and in

case the account is not paid by the end of sixty (60) days, the Tax Collector shall forward the same to the City Attorney, who upon receipt of said account shall give ten (10) days notice and proceed to collect same by law.

(5) The regulation width of concrete sidewalks in residential sections shall be Five (5) feet, and all additional widths, all approaches to driveways etc., shall be paid for by the property owner, the City paying only for a strip (2'6") Two feet and Six inches wide the length of the sidewalk. In business sections the regulation width shall be entire width of the sidewalk, and the City and property owner shall bear the expense equally.

(6) In case the property owner desires to remove a brick sidewalk and replace with a concrete sidewalk, the expense of the concrete sidewalk shall be borne entirely by the property owner, the property owner having the right to hold as his property the brick taken up or to sell the brick to the City at the first cost of the brick (labor of laying not included) less the deterioration by reason of wear and use, which deterioration shall be determined by the City Engineer. This paragraph shall apply to brick sidewalks in good passable condition.

(7) Where improved sidewalks are to be removed and replaced with concrete sidewalks on account of long use and bad condition, the City will bear the entire expense of the removing and replacing after an order has been made by the Board of Aldermen for the same, provided, the property owner has paid his share of the first improvement, otherwise the City's share and the property owner's share of the expense shall be determined by paragraph 5 of this ordinance.

(8) When a sidewalk is constructed on a street along which the curbing has been placed since May 1st, 1905, the property owner in addition to paying his share of the cost of construction of the sidewalk, shall pay ($\frac{1}{2}$) one-half the cost of the curbing along which the sidewalk has been constructed.

(9) Where brick or concrete sidewalks along improved streets are removed and replaced by reason of the change of grade of such streets, the material removed shall be the property of the City, and the City shall replace the sidewalks of regulation width as determined by paragraph 5, together with

the necessary approaches to driveways at its own expense, and the expense of any additional width over and above the regulation width shall be borne by the property owner.

(10) The maximum amount paid for concrete sidewalks shall be One Dollar and Four Cents (\$1.04) per square yard. The City will furnish at its crusher, stone for sidewalk purposes at Sixty-two and One-half cents per thousand pounds.

This reduced price for crushed stone shall only be allowed when paragraph 1 of this ordinance shall have been complied with.

(11) That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SEC. 68. 1. All residents of the City of Durham owning automobiles shall register their machine or machines with the Chief of Police of the City of Durham, giving the number of the State License and make of machine. No person shall drive an automobile within the City of Durham at night time without a sufficient light to give warning, nor shall such person drive an automobile at a greater rate of speed than ten miles an hour in the fire district and fifteen miles an hour outside of the fire district, nor shall such person drive an automobile at a greater rate of speed than five miles an hour when turning corners, nor at a greater rate of speed than eight miles an hour when crossing streets and passing all street car stops within the City.

2. All drivers of automobiles and other vehicles shall go to the right in meeting other vehicles and all automobiles shall be equipped with a horn or other device and shall give warning of their approach to and turning all street corners and passing all street cars. Any person violating this ordinance shall be fined five dollars.

All ordinances and parts of ordinances in conflict with this ordinance be and are hereby repealed.

SEC. 69. No person, firm or corporation shall hang, post or in any way affix any posters, bills, dodgers or like advertising matter on any trolley, telegraph or other pole, upon any street, or alley within the City.

And no person, firm or corporation shall distribute or cause to be distributed any such posters, bills, dodgers or advertising

matter of like kind upon any of the streets, alleys or sidewalks of the City.

Any person, firm or corporation violating this ordinance shall, upon conviction, be fined five dollars.

SEC. 70. 1. That no person shall drive an automobile on the streets of the City of Durham, without the number plates being securely fastened both to the front and rear of the automobile, and shall have registered the number in the office of the Chief of Police of the City of Durham.

2. That no person shall drive any automobile on the streets of the City of Durham at any rate of speed, exceeding ten miles an hour in the fire district and fifteen miles per hour outside of fire district, and in turning corners and passing crossings, the rate of speed shall not exceed five miles per hour.

3. That no person or persons shall drive an automobile on the streets of the City of Durham unless there is affixed in front of the said automobile two white lights, and in the rear of the same, one red light, and the same shall be lighted one-half hour after sunset and shall be kept lighted, while on the streets, until one-half hour before sunrise.

4. That no person shall use the muffler cut outs in the Fire District of the City.

5. That all persons driving automobiles on the streets of the City of Durham, when approaching trolley cars loading and unloading passengers shall slow down and signal, and if need be, stop the said automobile until the trolley car shall have finished loading or unloading its passengers.

6. That no person driving an automobile who in any way, shall wound, strike or injure any person, with the said automobile, shall leave the scene of accident without giving his name, residence and license number to the party injured or to a police officer.

7. That all persons riding motorcycles shall have placed on the same one number plate and one light.

8. That all drivers of hacks shall carry the license number issued by the City, and shall carry two side lights at night.

Any person or persons violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined five dollars.

SEC. 71. 1. That all drivers of vehicles except when passing a vehicle ahead shall keep as near the right hand curb as possible.

2. That all drivers of vehicles, when meeting another vehicle, shall pass to the right.

3. That all drivers of vehicles when overtaking another vehicle shall pass on the left side of the vehicle overtaken and shall not pull over to the right until entirely clear of it.

4. That all drivers of vehicles, when turning into another street to the right, shall turn the corners as near the right hand curb as possible.

5. That all drivers of vehicles when turning into another street to the left, shall turn around the center of the intersection of the two streets.

6. That all drivers of vehicles, when crossing from one side of the street to the other, shall do so by making a complete turn, and heading in the opposite direction.

7. That no driver of vehicle shall stop with the left hand side of the same to the curb, except on that part of Church, Mangum and Corcoran Streets that lie between Main Street and the Southern Railroad.

8. That no driver of a vehicle shall stand with the vehicle backed up to the curb, except when actually engaged in loading and unloading the vehicle, but no vehicle shall stand so backed up, if it interferes or interrupts in any way with the passage of other vehicles or street cars.

9. No driver of a vehicle, except in an emergency, or to allow another vehicle or pedestrian to cross its path, shall stop in any public street or highway, except the right hand curb thereof, and then in that case must not obstruct a crossing.

10. No driver of a vehicle, shall proceed at any time at a greater speed than the law allows and that is safe under the conditions then obtaining.

11. All drivers of vehicles overtaking a street car, shall exercise due caution not to interfere with or injure passengers getting on and off said cars.

12. No person shall drive a public, numbered, licensed or business vehicle who is less than sixteen years of age.

13. No owner or driver of a vehicle shall allow or per-

mit the same to remain stationary on Main Street, between Five Points and Roxboro Street, for a longer time than one-half hour.

Any person or persons violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined five dollars.

SEC. 72. Every person, firm or corporation, using the public streets of the City of Durham for the purpose of laying pipes or wires under the surface of said streets, shall before the said streets are macadamized or surfaced, and upon being notified by the Chairman of the Street Committee of the City's intention to macadamize said street or streets, place said pipes or wires under the surface of said street or streets and shall make all necessary connections for residences on said streets.

Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined fifty dollars.

SEC. 73. No person, firm or corporation shall place any garbage waste-matter or other substance either in the garbage cans or on the streets of the City of Durham after the hour of eight o'clock on Saturday night of each week.

Any person, firm or corporation violating the provisions of this ordinance shall be fined five dollars.

SEC. 74. No person, firm or corporation shall begin the construction of any building or begin to tear down or dismantle any building within the Fire District as now established, or as may hereafter be established, until the sidewalks are enclosed with an enclosure the entire width of the building, said enclosure shall be eight feet high and six feet wide, except in cases where the open basement of said buildings shall extend under the said sidewalks, then in that case there shall be an enclosure outside the curbing eight feet high and four feet wide, said enclosure to be covered at the top with material of sufficient thickness to prevent injury to persons passing along said enclosure from falling brick and stones.

Any person, firm or corporation, violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined ten dollars.

SEC. 75. It shall be unlawful for any person, firm or corporation to scatter any dirt, rock, or paper upon the streets of the City of Durham or use wagons or vehicles for the purpose of hauling dirt, rock or paper or filth on said streets unless said wagons or vehicles are so constructed as to prevent the falling of dirt, rock, paper or filth from said wagons while passing over said streets.

Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined the sum of five dollars.

SEC. 76. It shall be unlawful for any person to leave unattended any automobile, truck or any other vehicle propelled by an engine on the streets of the City of Durham while said engine is in motion.

Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined five dollars.

CHAPTER IV

CONCERNING RAILROADS, TRAINS, ELECTRIC LIGHTS, WATER COMPANY

SECTION 1. No train or engine shall be run in the corporate limits of the City of Durham at a greater rate of speed than eight (8) miles an hour. Any engineer or conductor allowing a train or engine to run at a greater rate of speed shall be fined ten dollars for each offense.

No trains allowed to run over 8 miles per hour within the corporate limits.

SEC. 2. No railroad company, its agent, conductor or engineer shall stop or leave standing for a longer time than five consecutive minutes, any train of cars, freight, passenger or material, or any car, truck, or engine on the tracks of any railroad company, where the said track or tracks cross or intersect with any street of the City of Durham. Any company, or persons, violating this ordinance shall be fined ten dollars for each offense. Each period of five minutes after the first ten minutes shall be and constitute a separate offense, under this ordinance.

Not to block crossings more than 5 minutes.

Flagmen or
guards at cross-
ings.

SEC. 3. All persons or corporations owning or operating any line of railway within the City of Durham shall, between the hours of seven o'clock a. m. and seven o'clock p. m., on each week except Saturday, and on that day between the hours of seven a. m. and eight p. m., keep at Milton avenue, Pine street, and West Main street, at Norfolk & Western freight depot, and Ramseur street crossings in said city a guard or flagman, whose duty it shall be to keep an outlook or watch and warn all persons using said crossings of the approach of trains and locomotives: *Provided*, That two or more persons or corporations owning or operating lines of railway over said crossings may jointly keep or employ such flagman or guard. Any person or corporation violating this ordinance shall, upon conviction, be fined ten dollars for each offense: *Provided*, That any such person or corporation, instead of keeping the guard or flagman herein provided for, may elect to stop all trains before reaching said crossings, and, by sending forward a flagman or otherwise, give due notice of the train's approach.

No person per-
mitted to cross
in front of ap-
proaching train.

SEC. 4. No person, after being warned by the guard or flagman referred to in the preceding section, shall attempt to cross the railroad track at any of the said crossings in front of an approaching train. Any person violating this ordinance shall, upon conviction, be fined five dollars.

No loitering at
depot.

SEC. 5. It shall be unlawful for any person or persons not having tickets or business with the officials to loaf or loiter in the building, or on the platform or premises of the Union Station, under a penalty of two dollars and fifty cents for each offense.

Hackmen not to
solicit nearer de-
pot than on
Church street.

SEC. 6. No hackman shall solicit any passenger or passengers or baggage, or allow his hack or dray to stand nearer the Union Station than on Church street, except when receiving or delivering baggage at the baggage room. Any person violating this ordinance shall be fined five dollars.

Shall not board
or jump off
trains in motion.

SEC. 7. That any person or persons caught in the act of boarding any train, either freight or passenger, and jumping off therefrom while the train is in motion, within the cor-

porate limits of the city, without satisfactory excuse, shall be fined five dollars.

SEC. 8. Any person or persons caught loitering in or upon any coaches, box cars, flat-cars, or any other kind of car belonging to or being used by any railroad company, within the corporate limits of the City, whether the said car be upon the main tracks or upon a side track of said company, shall, upon conviction, be fined one dollar. Provided that this ordinance shall not apply to railroad employees.

SEC. 9. No hotel porter or other person, without a city license, which shall be displayed upon demand by the Station Master, shall be allowed to solicit business within the Union Station building, or on the cemented platforms of the Union Station Company; all porters and other servants shall receive and deliver hand baggage outside the Union Station building and sheds, and any person violating this ordinance shall be fined five dollars.

No hotel porter or other person, allowed to solicit business in Union Station.

SEC. 10. It shall be unlawful for any corporation or any person to discharge any water from any hydrant or hydrants in the city, except by means of hose attached to said hydrant or hydrants, which shall discharge the water down the gutters of the city. Any person violating this ordinance shall, upon conviction, be fined five dollars.

Water discharged in gutters.

SEC. 11. No person shall throw or shoot a stone or missile at the poles, wires, lights or globes of the Durham Traction Company, or those used by any Telephone Company or the Electric Fire Alarm, except said persons be authorized by said companies. Any person violating this section shall be fined ten dollars. Any employee of the Durham Traction Company, whose duty it is to attend to the lights of the company, is hereby vested with powers of a policeman to make arrests for violations of this ordinance, and he shall wear a police badge.

No throwing at lights, etc.

SEC. 12. No person shall take water from a public fountain in a barrel, nor wash, nor rinse clothes, vegetables or other things, within thirty feet of any public fountain, under penalty of four dollars for each offense. And if any person shall wilfully or negligently injure or throw filth of any kind, or

Public fountains.

anything injurious, into said public fountain or the water in any public fountain in the city, he shall, upon conviction, be fined ten dollars.

No water taken from fountains.

SEC. 13. Any person who shall carry away from any fountain in the city any water in a bucket, can or other vessel, shall be fined one dollar for each offense.

Faucets not to run except for use.

SEC. 14. No person or persons using city water shall be allowed to open their faucets to run continuously, except for actual use, during freezing weather or any other time, unless they use a meter. Any person or persons violating this ordinance shall, upon conviction, be fined one dollar for each offense.

Persons upon notice to connect drainage with sewers.

SEC. 15. Upon notice from the Plumbing Inspector (acting by the order of the Board of Aldermen), every person shall connect the drainage of all kinds from his closets, residence or place of business, with the proper city sewer. Any persons failing to make such connections, after five days' notice, shall, upon conviction, be fined five dollars, and five dollars additional for each day after the sixth day following such notice.

To break or injure sewer pipe, penalty.

SEC. 16. Any person or persons, who shall wilfully and maliciously break or injure any sewer pipe belonging to the City of Durham shall, upon conviction, be fined ten dollars.

To injure property Union Station, penalty.

SEC. 17. Any person who shall wilfully and maliciously deface or injure the building, furniture, fixtures, or any other property of the Union Station Company shall, upon conviction thereof, be fined ten dollars.

Restrictions as to use closets, Union Station.

SEC. 18. All persons except passengers having tickets or persons having business with the officials of the railroad companies, or of the Union Station, are forbidden to use the closets, urinals and toilets of the Union Station, and any person violating this ordinance shall, upon conviction thereof, be fined two dollars and fifty cents for each offense.

Expectorating on floors, etc., Union Station, penalty.

SEC. 19. It shall be unlawful for any person to expectorate against the walls or furniture, or on the floors or platforms of the Union Station. Any person violating this ordinance shall, upon conviction, be fined one dollar.

SEC. 20. It shall be unlawful for any person to drink any beer or other intoxicating liquors in the Union Station building, or on the premises of the Union Station Company. Any person violating this ordinance shall, upon conviction, be fined five dollars.

Drinking of intoxicating liquors prohibited Union Station, penalty.

SEC. 21. It shall be unlawful for any person to solicit alms in the Union Station building, or on the premises of the Union Station Company. Any person violating this ordinance shall be fined five dollars.

Soliciting alms Union Station forbidden, penalty.

SEC. 22. It shall be unlawful for any person, firm or corporation, to post any advertisements whatever upon the Union Station building or premises of the Union Station Company, without first obtaining consent of the Union Station Company, and any person, firm or corporation violating this ordinance shall be fined five dollars for each offense.

Posting advertisements Union Station prohibited, penalty.

SEC. 23. It shall be unlawful for any person to trespass upon, or use the platforms or railroad tracks, outside the iron fence of the Union Station Company, between Roxboro and Mangum streets, except passengers, and any person violating this ordinance shall be fined two dollars and fifty cents for each offense.

Use tracks, etc., outside iron fence Union Station prohibited, penalty.

SEC. 24. The Station Master and his assistants at the Union Station shall have the same powers and authority to make arrests, and shall be bound by the same rules and regulations as the policemen of the City of Durham in apprehending all offenders who are found violating any of the ordinances concerning the Union Station and premises, and shall carry such offenders before the Recorder, or turn them over to a policeman, and shall be allowed such fees as are allowed to policemen of the city for similar services, said fees to be paid by the party offending if found guilty. And said Station Master and his assistants are hereby appointed special policemen to enforce these ordinances.

Police powers Station Master and assistants.

SEC. 25. It shall be unlawful for any person, firm or corporation to blow or allow to be blown any locomotive whistle under his, their or its control, within the city limits of the City of Durham. Any person, firm or corporation vio-

Blowing of whistles prohibited, penalty.

lating this ordinance shall pay a fine of ten dollars for each and every offense.

Railroads keep
crossings good
condition, pen-
alty.

SEC. 26. That any and every railroad company having tracks and rails in the limits of the City of Durham shall put its crossings of the streets of the City of Durham in good condition to be approved by the City Engineer. Every railroad company failing to put such crossings in good conditions, to be approved by the City Engineer, after thirty days' notice by the City Engineer, shall pay a fine of fifty dollars, and for each day that the same shall remain in bad condition, shall pay a like fine of fifty dollars.

SEC. 27. On and after October 1st, 1906, all persons, firms or corporations owning or operating any lines of railway within the limits of the City of Durham shall keep, maintain and operate gates at the crossings of the following streets in said City, to-wit: Chapel Hill, Ashton Place, Corcoran, Mangum, Dillard, East Main, West Main at Duke's Factory, and Morgan streets and all other streets in the City of Durham where the same is crossed by railroads at surface grades, and keep a man to operate said gates at said crossings between the hours of seven a. m. and seven p. m. on each day of the week except Saturday, and on that day between the hours of seven o'clock a. m. and eight o'clock p. m.

Any person, firm or corporation failing to maintain and operate gates at the said above named street crossings on and after October 1st, 1906, or to maintain or operate gates at all other railroad surface grade crossings of said railroad in said City not specifically named in this ordinance shall be fined upon conviction five dollars for each day that he, they or it shall fail to maintain and operate gates at each of the above named street crossings within the City of Durham, and at all other surface grade crossings of streets in said City.

SEC. 28. That it shall be unlawful for any person, firm or corporation operating, owning or maintaining railroads in the City of Durham to knock, kick, push, or shove any car, that is to operate what is known as a flying switch, on its tracks where the said track crosses any street in the City of Durham: or to allow any loose car not attached to an engine and con-

trolled by an engineer to run on its tracks where the said tracks cross at a surface grade any of the streets in the City of Durham: *Provided*, The provisions in this section shall not apply to cars being pushed by a lever by employees of railroad companies for the purpose of placing cars more conveniently to be loaded or unloaded.

Any person, firm or corporation violating this section shall, upon conviction, be fined ten dollars for each offense.

SEC. 29. That all railroads operating cars or trains in the City, shall be required to maintain proper bumper posts at the termination of all tracks inside the corporate limits, where said tracks end or terminate at or near any street or alley crossing such tracks.

Any person, firm or corporation violating this ordinance shall be fined the sum of ten dollars, and each day that this ordinance shall be violated shall be a separate offense.

This ordinance to be in full force and effect on and after May 15th, 1912.

SEC. 30. That all persons, firms or corporation operating railroads in the City of Durham, shall maintain culverts of sufficient size for the ready flow and passage of surface water under their tracks, and such culverts shall be made and constructed in such a manner as to prevent the backing of water upon adjacent property in the streets.

Any person, firm or corporation violating the provisions of this section shall be fined ten dollars, and each day thereafter shall constitute a new and separate offense.

CHAPTER V

SEWERAGE

SECTION 1. That each and every person, firm or corporation owning a house and lot in the City of Durham, which lot abuts or adjoins a street or alley along which is a public sewer, shall, on or before January the fifteenth, 1905, make water and sewer connections with his, their or its house: *Provided*, Such owner can make sewer connections within two

Property owners
connect with
sewers.

hundred feet, and water connections within three hundred feet of said house: *Provided, further*, No person shall be required to cross the private property of any other person to make such connections. Any person, firm or corporation, who shall fail and refuse to make such water and sewer connections on or before said fifteenth day of January, 1908, shall be fined the sum of one dollar for each and every day he so fails and refuses thereafter; and each day he so fails and refuses shall constitute a separate offense and shall subject the owner of such house to a like penalty.

Non-resident connecting with sewer.

SEC. 2. That any holder of property outside of the limits of the City of Durham desiring to connect with the sewer of the said city shall first make application in writing to the Board of Aldermen of the City of Durham, and obtain a permit therefor, and no permit shall be granted unless approved by the City Engineer, and then only upon the payment of thirty dollars.

Sewerage not to be flowed on streets.

SEC. 3. Any person who shall flow or cause to flow any sewage, waste from kitchen or other sink or bathtub, or any wash water or any house waste, or waste from any building in or upon any street in the City of Durham, when said house is within one hundred feet of a public sewer, shall be fined two dollars for each day that said offense shall continue after twenty days' notice to connect to said public sewer has been given by the city, or its proper officer or employee.

Sewer and water connections obligatory certain streets.

SEC. 4. That the owners of lots abutting on Roxboro street, from Main street to Trinity avenue, and on Elizabeth street from Holloway to Gray street, and on Hunt street from Rigsbee avenue to Mangum street, and on Broadway, and on Burch avenue from Milton avenue to Gregson street, and on Vickers avenue from Chapel Hill street to Morehead avenue, shall be required to carry sewer and water connections from the water main of the Durham Water Company, and the sewer main of the city along said streets, across the sidewalk to the inside line of the sidewalk, for each and every lot, whether the said lot be occupied or vacant, as the sewer mains and water mains are laid along said street.

In cases where mains are already laid on said streets said connections to be carried as aforesaid, as soon as the street or streets are graded and before same are macadamized in front of any said lot.

Any owner of a lot or lots failing to make such connections at such times, the City of Durham will make said connections and charge the cost of same against the property. Any lot exceeding seventy-five feet frontage shall have one connection or more at the discretion of the City Engineer.

It shall be the duty of the City Engineer to give ten days' notice personally or by publication in one of the newspapers in the City of Durham to the owners of such lots fronting or abutting on any of said streets, to make such connections with the said sewer and water mains, and after such notice, if the owner of such lot or lots desires to make the connections, then he shall so notify (within the ten days above provided for) the City Engineer, and such owner shall make such connections under the direction and subject to the approval of the said City Engineer.

If any owner of said lot or lots, along said streets, shall fail to make such connections within said time, then the city will make the same, the cost of the same shall be a lien upon the said lot or lots, and the sum shall be collected as other taxes of the city by the Tax Collector of the City of Durham.

This ordinance shall apply to all streets hereafter macadamized or paved within the City of Durham.

SEC. 5. That on and after August 15th, 1909, no surface privy or any closet or urinal not connected with the City Sewer, be allowed within the Fire District of the City of Durham.

Any violation of this ordinance shall, upon conviction, subject the violator to a fine of one dollar for each day the same is violated.

SEC. 6. 1. That the owners of lots abutting on any street shall be required to make sewer, gas and water connections from the main lines of such street, across sidewalk to the inside line of the sidewalk for each and every lot whether said lot be occupied or vacant.

2. Any owner of lot failing to make such connection, after notice from City Engineer, shall have the costs of such work assessed against such lot and the work will be done by the City.

3. Every lot of seventy-five (75) feet frontage shall have one connection or more at the discretion of the City Engineer.

4. It shall be the duty of the City Engineer to give ten (10) days' notice personally or by publication in one of the newspapers of the City to the owners of such lot fronting or abutting on any street, to make such connections with said mains, and all such connections shall be made under the direction and approval of the City Engineer.

5. The costs referred to in Section 2, which shall be a lien against such lot or lots, shall be collected as other taxes of the City and shall be collected by the Tax Collector.

6. This ordinance shall take effect from and after its adoption.

7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SEC. 7. All owners of garages situated in the City of Durham, shall connect the same with the public sewer, under the direction of the Plumbing Inspector.

Any person, firm or corporation violating this ordinance shall be fined the sum of five dollars, and each day this ordinance shall be violated shall be a separate offense.

CHAPTER VI

CONCERNING THE PREVENTION OF ACCIDENTS BY FIRE

Material of which chimneys shall be constructed.

SECTION 1. No chimney shall be erected within the city of any other material than brick, stone, sheet-iron or terra cotta pipe. Any person offending against this section shall, upon conviction, be fined twenty-five dollars for the first month such chimney shall remain, after notice given by the Chief of the Fire Department or Chief of Police to remove the same, and four dollars for each succeeding month until it is removed.

SEC. 2. To every stove erected within the city there shall be an iron, stone or brick hearth, extending at least one foot beyond the size of the stove, and the pipe to every such stove, if it pass through the wall or roof of the house, shall extend four feet from the same, shall have a cap or elbow placed over the end of it, and shall not be placed within eight feet of any building. It shall be the duty of the Chief of the Fire Department, from time to time, to examine the stoves in the city, and if they are not constructed as required by this section, to give directions to have them so constructed. If the owner shall not have them altered as directed, within one day after the direction is given, he shall, upon conviction, be fined ten dollars.

Stoves, etc.

SEC. 3. No person shall deposit wood shavings in any place out of doors within thirty yards of any building. Any person so offending shall, upon conviction, be fined five dollars for each offense.

No shavings within 30 yards of a building.

SEC. 4. No shavings or other fuel shall be burnt in any street, nor shall any person carry fire out of doors unless under safe cover. Any person violating the provisions of this section shall, upon conviction, be fined five dollars for every offense.

No shavings or fuel burnt in the street.

SEC. 5. No person shall put, or keep a plank kiln, or dry plank or other lumber on any plank kiln within one hundred feet of any house. Any person violating this section shall be fined ten dollars for every offense.

Kilns, etc.

SEC. 6. If any owner or occupant of any building within this city shall build, or allow to be built, any fire within forty feet of said building, or if any person shall throw fire balls within the city, he shall be fined five dollars.

Fire balls.

FIRE DISTRICT

SEC. 7. The following is the Fire District: Beginning at the Southern Railway crossing of West Chapel Hill Street, thence along the center of West Chapel Hill Street to Great Jones Street, thence along the center of Great Jones Street to Morgan Street, thence along the center of Morgan Street to Morris Street, thence along the center of Morris Street to Wat-

kins Street, thence along the center of Watkins Street to an alley East of Foster Street approximately parallel to the said Street, thence along the center of said alley to East Chapel Hill Street, thence along the center of East Chapel Hill Street to Mangum Street, thence along the center of Mangum Street, to Holloway Street, thence along the center of Holloway Street to Cleveland Street, thence with the center of Liberty Street West to the corner of Liberty and Church Streets thence along Church Street to Hicks' line; thence East to the west line of Wilkerson's lot; thence South to Parrish Street, thence Parrish Street East to Roxboro Street; thence along the center of Roxboro Street to a point eight feet South of the rear wall of the Y. M. C. A. Building, thence in a westerly direction and parallel to the rear wall of the Y. M. C. A. Building 125 feet, thence in a southerly direction and parallel to Roxboro Street 90 feet, thence in an easterly direction and parallel to the rear wall of the Y. M. C. A. Building to the center of Roxboro Street, thence along the center of Roxboro Street to Peabody Street, thence along the center of Peabody Street to Mangum Street, thence along the center of Mangum Street to McMannnen Street, thence along the center of McMannnen Street to Vivian Street, thence along the center of Vivian Street to Blackwell Street, thence along the center of Blackwell Street to the North side of Pettigrew Street, thence along the North side of Pettigrew Street to the East side of Chapel Hill Street, thence along the West side of Chapel Hill Street to the beginning.

SEC. 8. No person shall take up, or place, or leave hot ashes, or ashes recently in a stove or fire-place or furnace, in vessels or pails of wood, or any other combustible material. No person shall allow old or waste paper to accumulate in heaps in a hallway, or on a stairway, or in a room, or in or under or around any building which is left or stands unlocked. Any person violating this ordinance shall, upon conviction, be fined five dollars.

Inspection.

SEC. 9. It shall be the duty of the Chief of the Fire Department and the Police force, from time to time, to examine all such houses or places where they have reason to believe this ordinance is violated.

SEC. 10. It shall be the duty of the Chief of Police on every occasion when the opera house is used at night to have one or more policemen stationed at each of the doors leading into the City Hall, whose duty it shall be in case of fire or other necessity to open said doors for the egress of those assembled, and the said policemen shall be provided with keys to said doors. Any person interfering with the said policemen in the discharge of their duties shall be fined ten dollars.

Policemen stationed at Opera House.

SEC. 11. It shall be the duty of the Chief of the Fire Department to detail two or more firemen in uniform to attend on every such occasion when the opera house shall be used at night, whose duty it shall be to hold themselves in readiness for any emergency, and in case of fire to operate the hose placed at the hydrant. They shall be stationed at such places as the Chief of the Fire Department shall designate. The Chief shall see that there is always a sufficient quantity of hose at the hydrant in the City Hall, and that the same shall be kept in proper repair. Any person interfering with the firemen in the discharge of their duty shall be fined ten dollars.

Firemen in attendance at Opera House.

SEC. 12. All smoke stacks which endanger property by emitting sparks from engines, situated within the fire limits of the city, or within one hundred (100) yards of such fire limits, if also within fifty (50) feet of any dwelling, shall be equipped with approved spark arresters so as to prevent exposure to fire from sparks so escaping from such smoke stacks.

Smokestacks equipped with safety appliances

If any person, or corporation, after being notified of such danger, shall operate, or cause to be operated, any such engine, and shall use, or cause to be used, any such smoke stack without the equipment and protection above described, he shall be guilty of a nuisance and fined five dollars for each and every day that he allows the same to remain and continue.

SEC. 13. The Chief of the Fire Department shall have the right, at all reasonable hours, for the purposes of examination, to enter into and upon all buildings and premises within the fire district of the City of Durham, and it shall be the duty of said Chief of the Fire Department to visit the buildings and premises within the fire district, and also all churches and other public building in the City of Durham, twice every month for the purpose of inspecting the same.

Chief Fire Department inspect buildings.

Restrictions as
to storage ex-
plosives, penalty.

That whenever said Chief of the Fire Department shall find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of such building or premises, he shall order the same to be removed, or remedied, and any occupant of any building or premises who fails to comply with the order of said Chief of the Fire Department, within forty-eight hours after said order, shall be fined five dollars for the first offense and one dollar for each day he neglects to comply with said order.

SEC. 14. No person, firm or corporation shall keep or store or allow to be kept or stored under their control more than fifty pounds of powder, fifty pounds of dynamite, or fifty pounds of like explosive within the city limits. Any person, firm or corporation violating this ordinance shall pay a fine of twenty-five dollars for each and every offense, and each day any such explosives in excess of these amounts are allowed to remain so stored or kept, shall constitute a separate offense.

SEC. 15. That it shall be unlawful for any person, firm or corporation on and after March 15th, 1909, to operate a moving picture show in the City of Durham, without first providing rear exit indicating by a red light on which shall be displayed the word "Exit," in the room where such moving picture show is to be operated.

Any person, firm or corporation violating this ordinance shall, upon conviction, be fined Twenty-five dollars and each day this ordinance is violated shall constitute a separate offense.

SEC. 16. It shall be unlawful for any person, firm or corporation to store or keep on hand at any one time, in any tailoring shop, pressing club or other like establishment under this control, exceeding one gallon of gasoline, benzine or naphtha, except in a vault or tank erected for that purpose. All such vaults or tanks shall be erected or constructed under the supervision of the City Engineer and Chief of the Fire Department of the City of Durham, after permission first had from the Board of Aldermen. The Board of Aldermen reserve the right to revoke, change, modify, repeal or amend this ordinance at any time it shall become objectionable or dangerous

to adjacent property, or for any other reason which they may deem proper.

Any person, firm or corporation violating this ordinance shall, upon conviction, be fined ten dollars.

SEC. 17. That for the purpose of regulating the storage, sale and use of naphtha, benzine and gasoline within the corporate limits of the City of Durham, the following is hereby ordained:—

1. No person, firm or corporation, without first obtaining a permit from the Chief of the Fire Department, shall within the corporate limits of the City of Durham, have, store, keep, manufacture, use or sell gasoline, benzine, or naphtha, except as hereinafter provided, and then only if kept in self-closing metal cans made for the purpose and free from leak; *Provided, however*, One gallon or less may be kept within a building without obtaining a permit therefor; and, *Provided further*, no can shall be filled within the building.

Application for a permit shall be made to the Chief of the Fire Department in writing, and shall state location of the building and the quantity of benzine, gasoline or naphtha it is desired to keep on storage or sale; *Provided, however*, No provision in this ordinance is intended to prohibit the carrying of gasoline in the storage tanks of automobiles or other gasoline driven vehicles.

2. No permit shall be used for the storage or keeping for sale or use of gasoline, benzine or naphtha, exceeding ten gallons in quantity, save in underground (buried in the ground) metal tanks, with no opening for draining off contents below the level of the ground but to be drawn from by pumps. Such tanks shall be constructed of steel, or iron galvanized or painted, and of suitable thickness and weight, and shall be provided with a fill and vent-pipe, so arranged that the fill pipe cannot be connected without opening the vent; and also, these pipes shall be provided with a screen near the top and terminating in an iron cover, which shall be kept locked.

Said tank shall be buried at least two feet underground, and no tank capable of holding more than three hundred gallons shall be permitted within 100 feet of building; but any

such tank containing less than three hundred gallons, if properly buried, may be located within ten feet of building; but no dealer shall sell or deliver any quantity of gasoline, benzine or naphtha to any customer except in metallic cans, with proper appliances for automatically closing the aperture when cans are not being used for filling or emptying or through hose connection; provided further, that no dealer shall draw any quantity of gasoline, benzine or naphtha, for sale or otherwise after dark, or in the day time when artificial light, other than incandescent electric light is being used.

3. Not exceeding ten (10) gallons may be kept outside of the building, and less than thirty feet therefrom, provided same be kept in closed metal cans or other vessels free from leak.

Not exceeding one gallon may be kept in the building without a permit therefor, provided that same is contained in approved self-closing cans made for the purpose; or not exceeding five gallons may be kept in the building if contained in approved self-closing cans made for the purpose, provided that no such can has capacity in excess of one quart; and all cans used for this purpose to be free from leak and be filled outside of the building, except in case of drug, hardware or paint and oil stores only not exceeding ten (10) gallons may be kept in approved self-closing metal cans or other vessels made for the purpose and free from leak.

4. Where the system known as gasoline vapor gas light is used in any building, the tanks and reservoirs used in connection therewith shall be located outside of, and three feet from any opening into such building, and shall be boxed or enclosed under lock and key and below the level of the lowest pipe of the building used in connection with such lighting apparatus. And it shall be unlawful for any person, firm or corporation to sell or install any system or device for lighting gasoline which has not been tested and listed as permitted by the National Board of Fire Underwriters, and any such installation shall conform in every respect to the rules of said National Board, which rules are hereby adopted and shall have full force as if set forth in this ordinance.

All installations of this character shall be subject to inspection of the Chief of Fire Department, and it shall be unlawful to install any such system without first obtaining a permit therefor from him or to use such system until the inspection shall have been made and permission granted for the use of the same by the said Chief.

5. All persons, firms or corporations failing to comply with or violating any of the terms of this ordinance shall be guilty of a misdemeanor, and upon conviction be fined \$25.00.

6. All ordinances or parts of ordinances in conflict with the above are hereby repealed.

CHAPTER VII

CONCERNING THE FIRE DEPARTMENT

SECTION 1. That all the powers and duties hereinafter vested in and imposed upon the Fire Department, or any member or officer thereof, shall be exercised and performed under the supervision and control of the Committee on Fire Department; and all applications or recommendations to the Board of or concerning the Fire Department shall be considered by the Board only after a report thereon by said Committee on the Fire Department. Under supervision of fire committee.

SEC. 2. That the officers of the Fire Department of the City of Durham shall consist of a Chief, Captain Hose Company No. 1, Captain Hose Company No. 2, and such other officers as the Board of Aldermen may determine.

The Chief of the Fire Department shall also be Superintendent of the Electric Fire Alarm. His rate of compensation shall be fixed by the Board of Aldermen, and he shall not be a regular, nor honorary member of any fire department in the City while holding said office. He shall give his full time to the discharge of the duties of his office and perform such duties as are now required or hereafter to be required of him by the Board of Aldermen of the City of Durham and shall not engage in any other business or hold any other position while in such office.

SEC. 3. The Chief of the Fire Department shall be under the supervision of the Police and Fire Commission, have control of said department, and shall perform all the duties herein imposed or which may hereinafter be imposed upon him.

SEC. 4. Within ten days after notification of his election the Chief of the Fire Department shall nominate to the Police and Fire Commission a Captain of Hose Company No. 1 and also a Captain of Hose Company No. 2, who shall be elected by the Police and Fire Commission and give their full time to the discharge of their duties and receive such compensation as the Board of Aldermen may determine.

In the absence or inability of the Chief to perform his duties the duties of the Chief of the Fire Department shall first devolve upon and be performed by the Captain of Hose Company No. 1, and in the absence and inability of both the Chief of the Fire Department and the Captain of Hose Company No. 1 the duties of Chief of the Fire Department shall devolve upon and be performed by the Captain of Hose Company No. 2.

Interference or
meddling with
the department.

SEC. 5. That if any person interfere with a fireman in the discharge of a duty, or loiter about the house or houses used by the department, or meddle with the reels, hose or apparatus heretofore mentioned, said person shall be fined ten dollars for each offense.

False alarms.

SEC. 6. That should any person knowingly give, or cause to be given, any false alarm of fire, by means of the fire alarm telegraph or otherwise, he shall be fined twenty-five dollars for each offense: *Provided*, That alarm for the purpose of testing the fire alarm telegraph or the apparatus of the department, may be given by the chief or any one under his direction.

Reward for of-
fenders.

SEC. 7. That authority is hereby given the Mayor to offer a reward of fifty dollars, or less, for the apprehension and conviction of any person or persons who shall knowingly give, or cause to be given, any false alarm of fire by means of the fire alarm telegraph or otherwise.

Interference with
alarm.

SEC. 8. That if any person interfere with the fire alarm telegraph, or injure any of the poles, wires, boxes or other apparatus connected with said telegraph, such person shall be fined twenty-five dollars for each offense.

SEC. 9. No person nor corporation shall be allowed to string any wire above the fire alarm wires. Any person or corporation violating this ordinance shall be fined fifty dollars for each offense.

No wires above fire alarm.

SEC. 10. That in the event of an alarm of fire, the apparatus of the Fire Department shall have right-of-way in and upon the streets, lanes, alleys, squares and railroad crossings in going to any fire, or being upon such streets, lanes, alleys, squares or railroad crossings. Any person obstructing or neglecting to make way for any such apparatus shall be fined ten dollars for each offense.

Apparatus to have right of way.

SEC. 11. No person except a member of the Fire Department shall mount or ride any of the fire wagons or apparatus while the same is going to or returning from a fire. Any person violating this ordinance shall, upon conviction, be fined one dollar.

Only firemen to ride on wagons.

SEC. 12. That it shall not be lawful for any person whomsoever to ride or drive a vehicle through the streets, lanes, alleys or squares in which the Fire Department is assembled for the purpose of extinguishing a fire, nor to ride or drive a vehicle across a line of hose while in use, and should any person attempt to ride or drive as aforesaid, he shall be deemed guilty under this ordinance and shall be fined ten dollars for each offense.

No riding or driving where the department is assembled.

SEC. 13. That it shall not be lawful for any persons to congregate in the streets, lanes, alleys or squares next to the fire, so as to interfere with the Fire Department. Any person violating this ordinance shall be fined ten dollars for each offense.

No crowds to congregate.

SEC. 14. No company shall be permitted to leave the city with its apparatus unless permission is given by the Chief and Police and Fire Commission.

Not to leave city without permission.

SEC. 15. That the Chief, Captain of Hose Company No. 1, Assistant Chief, Captain of Hose Co. No. 2, be and they are hereby invested with the powers of a police officer of the City in so far as to make arrests for the violation of any of the provisions of this chapter.

SEC. 16. That during the continuance of any fire, the chief or assistant chief, or any member of the Police and Fire Com-

May call on persons to assist.

mission, or either of the Captains acting as chief, or the Mayor shall have power to call out any and all persons to assist in extinguishing the same, or in pulling down or blowing up any building, or in removing any building, or removing any goods or furniture from any building on fire or in danger, to some place of safety, or to assist in making arrests. Any person failing to obey any order given for any of the purposes aforesaid shall, upon conviction before the Recorder, be fined ten dollars: *Provided*, That no building shall be pulled down, nor in any way destroyed, without the advice and consent of a majority of such members of the Police and Fire Commissioners as may be present; or, if none of such Commissioners be present, then not without the consent of a majority of such of the officers of the Fire Department as are present.

When building
pulled down.

Mayor in charge
of police depart-
ment during
fires.

SEC. 17. That in case of fire it shall be the duty of the Mayor to attend and take charge of the Police Department. In case of the removal or exposure of property, he shall detail a sufficient number of citizens, not members of the Fire Department, who shall constitute an auxiliary police force, whose duty it shall be, under the direction of the Mayor, to guard all exposed property, and to detain all suspicious and disorderly persons, and to do whatever may be lawfully done to protect the rights of the citizens and preserve the public peace during the continuance of such fire. In case the Mayor is not present, the duties above set out shall devolve upon the Chief of Police.

No liquors in
fire houses.

SEC. 18. That no spirituous, vinous or malt liquors shall be allowed in any house where any apparatus of the Fire Department is kept, or at any fire, unless by the express order of the chief and one or more members of the Committee on Fire Department. Any officer or member who is intoxicated at or about any house used by the Fire Department, or any fire, shall be subject to dismissal.

Cars to stop.

SEC. 19. That in the event of an alarm of fire, street cars upon the streets over which any apparatus of the Fire Department shall pass, shall be stopped, and shall remain so until such apparatus shall have passed, and no motorman or any other person upon such car, shall ring or cause to be rung, the gong or bell on such car. Any person violating this section or any part thereof shall be fined ten dollars.

SEC. 20. That if any wagon, street car or other vehicle be wilfully driven over the hose belonging to the Fire Department or used in sprinkling streets or flushing sewers or gutters, the driver or owner thereof shall be fined five dollars.

Vehicles not to
be driven over
hose.

SEC. 21. It shall be unlawful for any person to obstruct with building material or otherwise any fire plugs such as would in any way obstruct or interfere with the approaches to the same or use by the fire department. Each day that such obstructions are continued shall constitute a new and separate offense. Any person violating any of the provisions of this ordinance shall, upon conviction, be fined twenty-five dollars.

SEC. 22. Any person who shall wilfully injure, destroy, deface or carry away any of the apparatus, equipment or implements belonging to the Fire Department of the City of Durham, shall, upon conviction thereof be fined twenty-five dollars.

SEC. 23. Apparatus belonging to the fire department shall not be loaned to any person or persons for any purpose whatsoever, under penalty of five dollars to be forfeited by the person or persons loaning the same to be deducted from the salary of such persons.

SEC. 24. It shall be unlawful for any person to smoke or carry lighted cigars, cigarettes or pipes in the Academy of Music, Hall and dressing rooms of that part of the Municipal Building known as the Academy of Music.

Any person violating this ordinance shall, upon conviction, be fined twenty-five dollars.

SEC. 25. (1) The City Electrician is hereby authorized empowered and directed to regulate and determine the placing of electric wires or other appliances for electric lights, heat or power in the City of Durham, and to cause all such wires or appliances to be so placed, constructed and guarded as not to cause fires or accidents endangering life or property.

(2) The City Electrician shall have the right in the discharge of his duties to enter any building, manhole or subway, or to climb any pole or tower for the purpose of examining and testing the electrical appliances therein or thereon contained and for that purpose he shall be given prompt access

to all buildings, public and private, and to all manholes, subways, poles or towers, upon application to the individual or company owning or in charge of the same. Whenever an electric wire or appliance shall be defective through improper or insufficient insulation, or for any other reason, he shall at once cause the removal of such defect or defects at the expense of the owners of such wire or appliances.

(3) No alteration shall be made in the wiring of any building for light, heat, or power or increase in the load carried by such wires, nor shall any building be wired for electric lights, motors or heating devices without a written permit therefor from the City Electrician.

(4) Upon the completion of the wiring of any new building for light, heat, or power, and old buildings before the floor is replaced, it shall be the duty of the company, firm or individual doing the same to notify the City Electrician, who shall at once inspect such wiring and appliances, and if approved by him he shall issue a certificate of satisfactory inspection, which shall contain the date of such inspection and an outline of the result of his examination, but no such certificate shall be issued unless such electric wiring and appliances be in strict conformity to the rules and regulations prescribed or required by these ordinances, nor shall current be turned on such installation until such certificate be issued.

(5) All electric construction, all material and all appliances used in connection with electrical work, and the operation of all electrical apparatus within the City of Durham shall conform to the rules and requirement of the National Board of Fire Underwriters for the installation of wiring and apparatus for electrical purposes as they are now established or may hereafter be amended; and the said rules and regulations are hereby adopted and approved as a part of this ordinance.

(6) Every person, firm or corporation desiring to engage in the business of electrical construction and of the installation of wiring and apparatus for electric light, heat or power in the City of Durham, shall before doing so give a justified bond in the sum of five hundred dollars to be approved by the Board of Aldermen and obtain a license therefor, the fee for which shall be twenty-five dollars, which shall be paid into the treas-

ury of the City before such license shall become effective. Said license shall be issued by the Chief of Police after the payment of the fee above mentioned.

Any person, firm or corporation found doing electrical work in the City of Durham without license shall be subject to a fine of fifty dollars.

(7) It shall be the duty of the City Electrician to so direct the placing of poles and wires in the streets, alleys and public places, of the City, that the same shall cause as little obstruction as possible either to public travel on such thoroughfares or to the private use and enjoyment of adjacent property.

If shall be his duty and he shall have the authority, to compel the removal of unsafe or superfluous poles or towers.

(8) Any person or company owning and using any such poles or towers who shall fail or refuse after five days notice from the City Electrician to remove any pole or poles, or towers deemed by him unsuitable, unsafe or improperly located, or the location of which he shall require to be changed, shall, upon conviction be fined five dollars. And the erection or use of any poles or towers rejected or condemned by the City Electrician shall subject the offender upon conviction to a like penalty.

(9) The City Electrician shall cause all wires, except telephone wires that have not been used for more than thirty days, and which are known as dead wires, to be removed at once at the expense of the owners of such wires. All dead wires of telephone companies shall be detached from the buildings with which they have been connected.

(10) On any pole of any electric light, tower, street railway, telephone or telegraph company, used jointly by two or more such companies, each company shall be allotted a special zone, and shall confine its wires to that zone. Spaces shall be measured from the tops of poles downward, and the utmost zone on every pole shall at all times be reserved for the free use of the City in stringing its fire alarms or police telegraph wires.

(11) The City Electrician shall keep a full and complete daily record of all work done, permits and licenses issued, examinations made, and other official work performed as re-

quired by this ordinance, and he shall make a report thereof to the Police and Fire Commission as called for by them.

(12) Whenever builders or persons engaged in repairing, painting, etc., find it necessary to remove wires from buildings in prosecuting their work the owner of such building or the contractor engaged thereon shall serve the City Electrician with written notice twenty-four hours before such contemplated work is begun and said City Electrician shall have authority in his discretion to direct the owners of such wires to remove the same.

(13) Any person, firm or corporation who shall see fit to do so may appeal from the orders or decisions of the City Electrician to the Police and Fire Commission, provided such an appeal is made within five days after the said order of the City Electrician.

(14) That any person, firm or corporation that shall fail to correct any defect or defects in his work after having been duly notified within ten days by the City Electrician or within ten days after his appeal therefrom is considered by the Police and Fire Commission and their decision made, shall not receive any further permit until such defect or defects have been corrected; and in any case in which any person shall continue to or persist in violating the orders of the City Electrician touching the same, the license of such person shall be forfeited.

(15) In any case of failure to comply with this ordinance the City Electrician shall have authority after due notice to cut out the lights or current in any locality concerned and to enforce discontinuances of the same until the said requirements are complied with.

(16) Any person, firm or company who shall violate any of the provisions of this chapter for which no specific penalty has been provided, or shall fail, neglect or refuse to comply with any order of the City Electrician given in pursuance of and by authority of this ordinance and the rules embraced therein, shall, upon conviction, be fined ten dollars for each offense.

(17) All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

SEC. 26. (1) That any person, firm or corporation hav-

ing, operating, owning, constructing or maintaining electric theatres or auditoriums, play houses or other buildings open to the public, where moving pictures are displayed, shall comply with the terms of this ordinance, and this ordinance is hereby made applicable to electric theatres or auditoriums, play houses or other buildings open to the public, where moving pictures are displayed, or similar auditoriums or theatres now existing as those hereafter constructed, but existing theatres are given thirty days within which to comply with this ordinance.

(2) That such theatres or auditoriums hereinafter called electric theatres shall not be constructed, fitted up, operated or licensed until a permit therefor has been issued by the Board of Aldermen through the City Electrician. Said officer is hereby directed and authorized to issue such permit for electric theatres provided they are constructed in accordance with plans approved by him, which plans secure the safety of persons patronizing the same.

(3) That all wiring in such theatres shall be installed under the direct supervision of the City Electrician, and when he condemns any such wiring the same shall be reinstalled under his direction and approval, and where he condemns wiring hereinafter installed the same shall likewise be reinstalled, and in all cases where the owners or operators of such electrical theatres refuse to conform to the directions of the City Electrician in the matters herein mentioned the license therefore shall be ipso facto void, and such electric theatres shall be immediately closed as unsafe for patronage.

(4) That all fuses used in connection with the lights illuminating the parts of the house, room or auditorium used by the audience must be installed in fire-proof inclosures, and so constructed that there will be a space of at least six inches between the fuse and the sides and faces of the inclosures.

(5) That all exits shall be plainly indicated by a sign on separate supply from the other parts of the house, or the same shall be illuminated by other than electricity and bear the word "EXIT", the letters to which must not be less than four inches in height, and there must not be more than one set of fuses in any "Exit" sign circuit between the surface fuses and signs.

(6) That inside lights and all lights in the halls, corridors or any other part of the building used by the audience, except the general auditorium lights, must be fed independently of the stage light and must be controlled only from the lobby or other convenient place in the front of the house, and there must be two circuits into the auditorium, one controlled by the operator in booth and one controlled from without the auditorium, in lobby or without the entrance.

(7) That every portion of the building devoted to the use or accomodation of the public, all outlets leading to the streets, all open courts, corridors, hallways and exits shall be thoroughly lighted during every performance, and the same shall remain lighted until the entire audience has left the premises. One sixteen candle power incandescent lamp or the equivalent thereof for every four hundred square feet of floor surface is hereby ordained as sufficient illumination. All doors must open outward.

(8) That each arc lamp, used as a part of the moving picture machine, must be constructed as specified in the National Electrical Code, and the wiring of same must not be of less capacity than No. 6, B. & S. guage.

(9) That rheostats must conform to rheostat requirements of the National Electrical Code.

(10) That top and bottom reels must be encased in an iron box, which boxes shall have holes only large enough for films to pass through.

No solder to be used in the construction of these boxes.

(11) That the handle or crank used for operating the machine must be secured to the spindle or shaft, so that there will be no liability of such handle or crank coming off or allowing the film to stop in front of the lamp.

(12) That an automatic shutter must be placed in front of the condenser, arranged so as to be closely normally.

(13) That extra films must be kept in a metal box having a tight fitting cover.

(14) That such machines must be operated by hand. Motor driven machines are hereby prohibited.

(15) That the picture machine must be placed in an enclosure or house made of or lined with fire-proof material,

thoroughly ventilated to the outside of the building, and large enough for the operator to walk freely on either side or back of the machine.

Such enclosure or house must have no opening into the auditorium other than the opening where the light of the picture is emitted, and this opening must be provided with fire-proof covering or door, hinged with spring hinges, opening by a trigger which is in reach of the operator so that it can be released by hand, which door must be constructed so that it can be securely closed.

Furthermore, if the City Electrician shall decide that the arrangements are such as would require it, such door must be so arranged that it may be released automatically.

All other openings such as vents and entrances to the enclosure, must open into some other part of the building or theatre than the main auditorium.

No electrical fixtures or material of any kind will be permitted into the operating booth other than the picture machine and its accessories.

(16) That any person, firm or corporation, their agents or employees, constructing, operating or managing electric theatres or auditoriums where moving pictures are displayed or similar theatres, in violation of the terms of this ordinance shall, upon conviction, be fined ten dollars, each day's operation to be held a separate offense.

(17) All electrical work must conform to the requirements of the National Electrical Code.

(18) That all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

SEC. 27. AN ORDINANCE TO GOVERN THE INSTALLATION OF HEATING DEVICES, EITHER STEAM, HOT WATER OR WARM AIR, IN ANY BUILDING IN THE CITY OF DURHAM.

(1) From and after the passage and promulgation of this ordinance, any party, the owner, architect, or contractor, contemplating or proposing to install in any building in the City of Durham, a steam, or hot water, or warm air heating apparatus, shall, before starting the work, apply to the City Building Inspector for a permit to do such work, and must accompany

his application for a permit with a description of the apparatus proposed to be installed.

(2) No work toward the installation of any heating apparatus shall be commenced or proceeded with until said drawings and descriptions shall have been submitted to any approved by the City Building Inspector and his permit therefor obtained.

(3) All heating devices in both public and private buildings shall be executed in accordance with the rules and regulations hereinafter given.

(4) Notice of additions, repairs or alterations shall be given to the Building Inspector before same are commenced, and the work shall be done in accordance with the rules and regulations governing such work.

(5) All materials must be of the best, free from defects, and all work must be executed in a thorough and workmanlike manner.

(6) SMOKE PIPES THROUGH ROOFS. No smoke pipe shall pass through the roof of any building unless a special permit be obtained from the City Building Inspector for the same. If a permit is to be granted, then the roof through which the smoke pipe passes shall be protected in the following manner: A galvanized iron ventilated thimble of the following dimensions shall be placed: in the case of a stove pipe, the diameter of the outside guard shall not be less than twelve inches larger and the diameter of the inner one eight inches larger than the smoke pipe; for all furnaces, or where similar large, hot fires are used, the diameter of the outside guard shall not be less than eighteen inches larger than the pipe. The smoke pipe thimbles should extend from the underside of the ceiling or roof beams to at least six inches above the roof to keep out the weather, and they shall have openings for ventilation at the lower end where the smoke pipes enter, also at the top of the guards above the roof.

Where a smoke pipe of a boiler passes through a roof, the same shall be guarded by a ventilated thimble, same as before specified twenty-four inches larger than the diameter of the smoke pipe of the boiler.

For stacks of wood burning or direct flues boilers where

stacks are hot or where forced draft is used, the above specification for double ventilators shall also apply.

(7) APPARATUS. If a steam heating apparatus is to be installed, the boiler shall be referred to as a "steam heating boiler," and described clearly whether it be a "cast iron sectional," wrought iron or steel, horizontal or vertical flue, fire or water tube, brick set or self contained.

If a hot water heating apparatus is to be installed, the boiler shall be described and referred to as a "hot water boiler," and clearly described as provided for with safety valves, try cocks, water and pressure gauges, and stand a hydrostatic pressure of 100 pounds.

(8) STEAM PIPES AND RADIATORS. All iron or steam pipes conveying steam from the boiler to radiators, stacks or coils, and all pipes carrying condensation back to the boiler, shall be kept fully one (1) inch from all wood work, unless the wood work is protected by a metal shield, then the distance shall not be less than one-half (1-2) inch. All steam or condensation pipes passing through floors, or ceiling, or lathed and plastered partitions shall be protected by a metal tube one inch larger in diameter than the pipe, having a metal cap at the floor; and where they run in a horizontal direction between a floor and ceiling, a metal shield shall be placed on the underside of the floor over them and on the side of wood beams running parallel with said pipe.

All wood boxes or casings enclosing steam coils or stacks, and all wood covers to recesses in walls in which steam pipe coils or radiators are placed, shall be first protected with at least one-sixteenth inch asbestos paper, and then covered with IC or IX bright tin or galvanized iron, securely nailed on.

(9) No steel or iron pipe conveying hot water to radiators, coils or stacks, or back to the boiler, shall come in contact with any wood work, unless the wood work be first protected with at least one-sixteenth inch asbestos paper, and the asbestos paper be then covered with IC or IX tin or galvanized iron, securely nailed on. Iron casing pipes or floor plates may be substituted for the asbestos and metal covering if preferred.

(10) HOT AIR FLUES AND VENT DUCTS. All hot air flues and shafts shall be lined with IC or IX tin or galvanized iron

or burnt clay pipe. No wood casing furred or lathed shall be placed against or cover any smoke flue or metal pipe used to convey hot air or steam.

(11) Horizontal hot air pipes shall be kept six inches below floor beams or ceilings.

If floor beams or ceilings are plastered or protected by asbestos, at least one-sixteenth inch and covered with tin or galvanized iron, then the distance shall not be less than one inch.

(12) Pipes in stud partitions shall be built in the following manner: The pipe shall be at least one inch space between pipes and stud on each side and the outside face over ducts shall be made of iron laths. When hot-air pipes pass through partitions, they shall be at least eight feet from furnace. The hot air pipe shall be asbestos covered.

(13) Where hot air pipes pass through wooden or stud partitions they shall be guarded by a double collar of metal, with two inches of air space, and holed for ventilation, or by at least four inches of brick work.

(14) No hot air flues or pipes shall be allowed between any combustible floor or ceiling or partitions, unless the pipes be double and the adjacent wood work be entirely covered with at least one-sixteenth inch asbestos paper, and the paper then covered with IC or IX bright tin or galvanized iron, securely nailed on to wood work. All double pipes referred to above shall be so braced or supported as to retain their relative position one with the other, and maintain one-half inch air space between them.

(15) **REGISTERS.** Registers located over a brick furnace shall be supported by a brick shaft built up from the cover of the hot air chamber, said shaft shall be lined with metal pipe, and all wood work of any kind shall be trimmed away at least four inches from it. Where a register is placed in any wood work, in connection with a metal pipe, or duct conveying hot air, the end of said pipe, or duct, shall be provided with a register box, the top of which shall be removable so as to clean out dust or sweepings.

(16) **REGISTER BOX.** All register boxes shall be double and made of IC or IX bright tin or galvanized iron, with holes

around the collar for ventilation, and with flange on top to fit the groove in the frame, the register to rest upon the same. There shall be an open space of at least two inches on all sides of the register box, extending from the underside of the border to and through the ceiling below.

The said openings shall be fitted with a bright tin or galvanized iron casing, and the upper end shall be turned under the frame.

All wood work to be covered with at least one-sixteenth inch asbestos paper before the tin is put on. When a register box is placed on the floor over a furnace, the open space on all sides of the register box shall not be less than three inches, and fitted with a tight tin or galvanized iron box as above described.

(17) **BOILERS FOR STEAM OR HOT WATER.** A brick-set boiler shall not be placed on any wood or combustible floor or beam wood or combustible floors and beams under and not less than three feet in, from or on the sides of all boilers, shall be protected by a suitable brick foundation of not less than two courses of brick, well laid in mortar on sheet iron. The said sheet iron shall extend not less than twenty-four inches outside of the foundation on side and front bearing lines of bricks laid on flat, with air spaces between them, and shall be placed on the foundation to support a cast iron ash pan of suitable thickness, on which the base of the boiler shall be placed, and shall have a flange, turned up in front and on the sides, four inches high; said pan shall be in width not less than the base of the boiler, and shall extend at least two feet in front of it.

If a boiler is supported on cast iron base with the bottom of the required thickness for an ash pan and is placed on bearing lines of brick in the same manner as specified for an ash pan, then the ash pan shall be placed in front of the said base and shall not be required to extend under it. All lath and plaster and wood ceilings and beams, over and to a distance of not less than four feet in front of all boilers, shall be shielded with metal. The distance from the top of the boiler to said shield shall not be less than twelve inches. No combustible partition shall be within four feet of the sides and back, and six feet in front of any boiler unless said partition shall be

covered with metal to the height of at least three feet above the floor, and shall extend from the end of back of the boiler to at least five feet in front of it; and then the distance shall not be less than two feet from the sides and five feet from the front of the boiler.

An air space of not less than one inch shall be maintained between said shields and any wood work protected by them.

(18) FURNACES. All brick set, hot air furnaces shall have two covers, with an air space of at least four inches between them. The inner cover of the hot air chamber shall be either a brick-arch or two courses of brick laid on galvanized iron or tin supported on iron bars. The outside cover, which is the top of the furnace, shall be made of brick or metal supported on iron bars and so constructed as to be perfectly tight and shall not be less than four inches below any combustible ceiling or floor beams.

The walls of the furnace shall be built hollow in the following manner: one inner and one outer wall, each of four inches in thickness properly bound together with an air space of not less than three inches between them. The cold air boxes of all hot air furnaces shall be made of metal, brick or other non-combustible material for a distance of at least ten feet from the furnace. All hot air furnaces shall be placed at least two feet from any wood or combustible partitions or ceilings, unless the partitions or ceilings are properly protected by metal shields, when the distance shall not be less than twelve inches.

Wood floors under all furnaces shall be protected as provided for in article 17, referring to steam and hot water boilers.

Any person, firm or corporation violating this ordinance or any part thereof shall, upon conviction, be fined fifty dollars.

CHAPTER VIII

DISORDERLY HOUSES, DRUNKENNESS, GAMING TABLES, FIRING GUNS, ETC.

Keeping dis-
orderly houses or
renting same.

SECTION 1. Every person who shall keep a disorderly house, or house of ill-fame, within the limits of the city, and any person who shall knowingly rent any house to be used as

a house of ill-fame, shall, upon conviction, be fined ten dollars for every day the house is so kept, and all adult persons living in such shall be considered the keepers thereof and be liable to this section.

SEC. 2. If any occupant of any disorderly house shall refuse to open his or her doors and give entrance to any officer of the city or member of the police, demanding admission for the purpose of suppressing disorderly conduct therein, he or she shall, upon conviction, be fined ten dollars.

Refusing to
open doors.

SEC. 3. Every person engaged in boisterous cursing and swearing, or using vulgar or indecent language in any street, house or elsewhere in the city, and every person drunk in the streets, alleys or any public place in the city, or disturbing the peace and quiet of the city, or violating the rules of decency shall, upon conviction, be fined five dollars for each offense; and all persons found lying drunk on the streets, alleys or other public places of the city, shall be taken and lodged in the guard house for safe keeping.

Boisterous curs-
ing, swearing,
etc.

SEC. 4. Any person who shall do any obscene act in any public place, or write obscene language, or make obscene marks or drawings on any wall in any public place, or shall use indecent or vulgar language on the streets of the city, or affix any obscene, vulgar or indecent advertisement, picture or bill, to any house, fence, post or wall, with or without the consent of the owner, or affix advertisements or bills to private houses, fences or posts, without consent of the owner, shall be fined five dollars for every such offense.

Obscene lan-
guage, marks,
drawings, pic-
tures, etc.

SEC. 5. Any persons guilty of disorderly conduct, or behaving in a boisterous or indecent manner, at any public entertainment, or creating any manner of disturbance at the entrance thereto, or who shall in any way disturb or annoy the audience at the above mentioned place, shall be fined twenty-five dollars.

Disorderly or
boisterous con-
duct at public
entertainments.

SEC. 6. Every person found drunk on the streets, on foot or vehicle, or staggering along the streets, or otherwise being guilty of disorderly or unbecoming conduct, shall be fined five dollars.

Drunk on streets.

Lewd women on streets.

SEC. 7. Any lewd woman who shall be found on the streets plying her vocation or soliciting men, drinking, sitting on the streets or in front of stores, or lounging about the market house, or conducting herself in an improper manner, shall be deemed guilty of a nuisance, and, upon conviction, shall be fined ten dollars for each offense.

Disorderly or insulting conduct.

SEC. 8. Any person or persons who shall engage in any disorderly or insulting conduct for the purpose of annoying strangers or citizens, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined five dollars for each offense.

Shooting guns and other firearms, etc.

SEC. 9. Any person who shall shoot off any gun or other firearm, or shoot off or have any rocket, pop-cracker, or other fireworks, or any combination of gun-powder, in any street or footway, or shoot off any gun or other firearms within the limits of the City of Durham, or shoot off any gun or other firearm, charged with ball or shot, or any other deadly thing within the city, except in case of necessity, shall, upon conviction, be fined ten dollars for each offense: *Provided*, Nothing herein contained shall prohibit the exhibition of fireworks on occasions of public rejoicing, at the discretion of the Mayor, and under such restrictions as he may provide.

Games in streets forbidden.

SEC. 10. All games of every description and throwing stones or other missiles on the streets and sidewalks of the city are forbidden, and shooting with bean-shooters within two hundred yards of any house in the city is forbidden, and the carrying of a bean-shooter on the person of anyone in the corporate limits is forbidden, and every person offending against any part of this section shall, upon conviction, be fined five dollars for each and every offense.

No "drumming" on streets or in warehouses.

SEC. 11. No merchant, or employee of any merchant, shall "drum" and solicit trade on the streets, in the warehouses, or in any public places of the city. Any person violating this ordinance shall be fined five dollars for each offense: *Provided*, That this shall not apply to persons soliciting trade within ten feet of their own place of business.

Second-hand clothing.

SEC. 12. Any person buying second-hand clothing, boots, shoes and hats, and selling the same in the City of Durham

shall be guilty of a nuisance and fined twenty-five dollars for each offense: *Provided*, That upon proof of the selling the presumption shall arise that the person accused also bought the clothing, boots, shoes and hats sold second-hand.

SEC. 13. It shall be unlawful for any person or persons to play or perform on any brass or silver horns, or drums, commonly known as "brass bands," between the hours of eleven p. m. and five a. m., *except* by permission of the Mayor. Any person violating this ordinance shall be fined five dollars.

Brass bands, etc.,
forbidden to play
between 11 p. m.
and 5 a. m.

SEC. 14. That it shall be unlawful for any person to drink any intoxicating liquor in any public building in the City of Durham.

Any person violating this ordinance shall, upon conviction, be fined one dollar for each offense.

SEC. 15. That it shall be unlawful for any person to sell or offer for sale any explosive or combustible material generally designated as fire works within the Fire District of the City of Durham.

Any person violating this ordinance shall, upon conviction, be fined fifty dollars.

SEC. 16. (1) It shall be unlawful for any person or persons to entice, persuade, solicit, procure or in any other way influence any other person to meet, cohabit, or associate with any lewd woman or women for the purpose of sexual intercourse.

(2) It shall be unlawful for any person or persons to haul, carry or procure any lewd women to be hauled or carried to any place for the purpose of meeting and associating with lewd and lascivious men, or for the purpose of sexual intercourse.

(3) It shall be unlawful for any person or persons to haul, carry, or procure, or solicit any male person to be hauled or carried to any place for the purpose of meeting and associating with lewd and lascivious woman or women, or for the purpose of meeting and associating with a woman or women for the purpose of illegal sexual intercourse.

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined

the sum of twenty-five dollars, and if the person convicted of violating this ordinance be a licensed hackman or driver of a public automobile used for hire upon the streets of the City of Durham, he shall also forfeit his license in addition to the fine above prescribed.

CHAPTER IX

SUNDAY AND ITS OBSERVANCE .

No games allowed on Sunday.

SECTION 1. Every proprietor of a billiard table, five pin or ten pin alley, or other sport ground, permitting any game to be played on Sunday, shall, upon conviction, be fined twenty-five dollars.

Aiding or abetting disorderly conduct on Sunday.

SEC. 2. Any person who shall, on Sunday, be present, aiding or participating in any unlawful or disorderly assemblage, shall be fined five dollars for each offense.

No merchandise sold on Sunday except in case of necessity.

SEC. 3. Any person who shall sell merchandise on Sunday, except in cases of necessity, shall be fined twenty-five dollars: *Provided*, That druggists be allowed to open their stores, for the sale of medicine and drugs and to fill prescriptions.

No loading or unloading of wagons.

SEC. 4. No merchant, grocer, wagoner, or other person whatever, shall load or unload any wagon or cart, or other conveyance for goods, wares and merchandise within this city on the Sabbath under a fine of ten dollars for each person so offending.

Police to go over city two Sundays in each month.

SEC. 5. It shall be the duty of the policemen of the city to go over the whole city and suburbs at least two Sundays in every month, for the purpose of apprehending any person who may be found violating any of the laws and ordinances of the city or State, and of ferreting out and bringing to justice all offenders against the peace and good order of society.

No barber shop open.

SEC. 6. It shall not be lawful for the owner or proprietor of, or any employee in, any barber shop within the limits of the city, to open or allow to be opened the same, nor to carry on the same at his place of business on Sunday. Any person

violating this section shall, upon conviction, be fined ten dollars for every violation.

SEC. 7. Any person drunk on the public streets, or other public place in the City of Durham, on Sunday, whether on foot or in a vehicle, shall be fined ten dollars. Fine for Sunday drunkenness.

SEC. 8. It shall be permissible for restaurants and eating houses to keep open on Sundays for the purpose of serving guests with meals, and soft drinks, cigars and tobacco.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SEC. 9. Every physician who uses a prescription for whiskey or other intoxicating liquors in the City of Durham shall state therein the name of the party to whom given, and for whom issued, and shall specify the date when issued, the quantity and kind prescribed, and shall sign his name thereto. Any physician violating this ordinance shall pay a fine of ten dollars for each offense. Physician's prescription for whiskey on Sunday.

SEC. 10. No owner or keeper of a restaurant shall permit liquors of any kind to be or remain stored or deposited in his restaurant, and any one violating this ordinance shall pay a fine of ten dollars for each offense, and forfeit his license. Whiskey not allowed in restaurant on Sunday.

SEC. 11. No physician shall give or sell to any person any prescription or order for any spirituous, vinous or malt liquors, unless said physician shall have first examined said person for whom said spirituous, vinous or malt liquors are prescribed or ordered, and is satisfied that such person is sick, and that such spirituous, vinous or malt liquors are necessary for the cure or relief of such person. Any person violating this ordinance shall upon conviction thereof be fined twenty-five dollars. Duty of physician.

SEC. 12. That any person, firm, or corporation, who shall keep open shop sell merchandise or do any work or labor of any kind on Sunday except work of necessity or charity, as is permitted by the general laws of the State, shall be fined five dollars, provided the druggists may be allowed to open their stores for business on Sundays except between the hours 11 A. M. and 1 P. M., and 7 P. M. and 9 P. M.; and during said closing hours no loafing shall be allowed in said store

during closing hours. *Provided, further,* That licensed hotels shall be permitted to sell cigars, cigarettes and tobacco to guests.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

CHAPTER X

NUISANCES

Not to urinate
within fifty
feet of court
house.

SEC. 1. All persons are forbidden to urinate in or within fifty feet of the Durham courthouse except in the regular urinals provided. Any person violating this ordinance shall, upon conviction, be fined one dollar for each offense.

Stud horses,
jackasses, etc.

SEC. 2. It shall not be lawful hereafter for any person without obtaining permission from the Board of Aldermen to exhibit any stud horse or jackass in the streets of the city, or to put any mare or jennet to any stud or jack within the limits of the city; and every person concerned in so putting a mare or jennet to a stud or jackass, or in aiding or assisting in putting them together, or in causing the same to be done contrary to this ordinance, shall, for every offense, be fined ten dollars.

Carriages and
drays.

SEC. 3. All carriages, drays, and other vehicles used for the purpose of carrying passengers or freight shall be sightly and sufficiently safe, and strong, not to jeopardize patrons, customers or other persons. It shall be the duty of the City Policemen to enforce the foregoing, and the Chief of Police is hereby authorized and empowered to revoke the license of such as in his opinion do not conform to this ordinance: *Provided,* That any person aggrieved by a decision of the Chief of Police under this section may appeal from his decision to the Board of Aldermen.

Use cloth rags,
etc., in closets
forbidden.

SEC. 4. No person or corporation shall use cotton mill waste, cloth rags or other heavy substances in any closet, or empty the same in any sewer in the City of Durham. Any person or corporation violating this ordinance shall be fined ten dollars for each and every offense.

SEC. 5. It shall be unlawful for any person to keep or maintain stretched from any house, pole or tree, or other support any line of barbed wire, over, across or along any part of his or her premises: *Provided*, That this shall not apply to a barbed wire fence built in accordance with the State law.

Any person violating this ordinance shall, upon conviction, be fined five dollars for each day that the provisions of this ordinance are violated.

SEC. 6. It shall be unlawful for any person, firm or corporation to burn or cause to be burnt in any incinerator that may now exist or be erected in the future, any night soil, carcass or flesh of any animal or fowl of any and all descriptions whatsoever.

Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined ten dollars.

CHAPTER XI

POLICE ORGANIZATION AND REGULATION

SECTION 1. The police organization of the city shall consist of the Mayor, the Police and Fire Commissioners, the Chief of Police, and as many policemen as the Board of Aldermen shall from time to time determine.

Police organization.

SEC. 2. The Mayor shall have a general control and supervision of the Police Department.

SEC. 3. The Chief of Police shall give bond payable to the City in the sum of twenty-five hundred dollars, conditioned for the faithful performance of his duties and shall superintend and regulate the department. He shall make out and present to the board of aldermen monthly at their regular meeting a pay roll of all the salaried officers of the city. He shall keep a record book and enter therein all violations of the police regulations and by whom committed and of the violations of the city ordinances. The record shall be always subject to the inspection of the Mayor, Police and Fire Commission, and of the board of aldermen. It shall be the duty of

the Chief of Police to collect all special and license taxes. He shall pay over to the treasurer each week the amount of money received by him for the City accompanied by a sworn statement. He shall further perform all duties imposed upon him in these ordinances and which may hereafter be imposed by the board. His rate of compensation shall be fixed by the board.

Duties of Police-
men.

SEC. 4. It shall be the duty of the policemen to suppress all disturbances of the quiet and good order of the city, and to arrest all offenders against the same; to prevent, as far as possible, all injury to the city property and buildings, and the streets and sidewalks, and to report to the Mayor all repairs needed, and to execute all warrants of the Recorder.

May summons
aid.

SEC. 5. The policemen shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any person so summoned shall refuse to assist, or having undertaken, does not proceed in good faith, he shall, upon conviction, be fined ten dollars.

May enter house
or enclosure.

SEC. 6. When the policemen of the city have a good reason to believe that any of the laws of the State or ordinances of the city have been violated, they are hereby empowered to enter enclosure or house of any person without a warrant in order to apprehend any person so offending, or to arrest a fugitive or to suppress disorder, and, if necessary, to summons a posse to aid them, and all persons so summoned shall have like authority.

Not to partici-
pate in political
meetings.

SEC. 7. No policeman shall participate in any political or other meeting while on duty, except in the legitimate discharge of their duties. A failure to conform to the provisions of this ordinance will subject the offender to immediate discharge. They shall secure in the guardhouse all persons who shall make a disorderly noise in any street or elsewhere in the city, or who shall in any other way disturb the good order of the city, or violate the ordinances of the city or the laws of the State. Any person confined in the guard-house by day or by night, as directed in this or other chapters, may be released

Secure offenders
in guard house.

upon paying the fine imposed for the offense committed and cost of warrant.

SEC. 8. Any person who shall oppose or resist, or in any manner abuse or insult any officer of the city, or member of the police, while in the discharge of any duty, shall, upon conviction, be fined ten dollars.

Unlawful to oppose, resist or insult officer.

SEC. 9. When any member of the police force shall be unable, from sickness or other unavoidable causes, to perform his duty, he shall notify the Police and Fire Commission, who is hereby authorized to employ a substitute for the particular occasion, the expense of the said substitute to be deducted from any amount due the said policeman.

Substitutes.

SEC. 10. On Sundays and other days, when in the Mayor's judgment it may be necessary, the Mayor shall be authorized to appoint and commission special policemen to take charge of the various churches and other places of public gathering, and to perform such other duties as may be required of them: *Provided*, The city shall not be liable to any expenses on this account, except such as the Board may determine, and the Mayor shall be authorized to withdraw any authority granted under this ordinance, and to appoint other officers whenever he may deem it expedient.

Special Policemen.

SEC. 11. The Chief of Police shall be required to make, on the last day of each month, except when said last day falls on Sunday, and in that case, on the Saturday preceding, returns of all taxes, forfeitures, fines and collections of every kind, which have been, or ought to have been, received by him for the month just ending, not previously reported. Said statement shall be filed with the Clerk of the Board of Aldermen, who shall report the same to the Board at their first meeting held thereafter; and the Chief of Police shall, immediately after filing his said report, settle with the Treasurer and pay over the sum due him.

Reports of Chief of Police.

SEC. 12. The Chief of Police shall never have in his hands more than five hundred dollars collected by him on account of the city, from taxes, forfeitures, fines or any other source, but shall, before the money in his hands reaches said sum of five hundred dollars, pay it over to the City Treasurer, and take

Not to have in hand over five hundred dollars.

his receipt, which shall be used as money in his monthly settlements, provided for in the next preceding section.

To carry out foregoing.

SEC. 13. The Chief of Police is responsible for the execution of the above regulations, and he is hereby authorized and instructed to make such arrangements and regulations as may be necessary to carry them out.

Secret detective.

SEC. 14. Whenever, in the opinion of the Mayor, it shall be necessary to employ a secret detective, the Mayor shall have power to do so: *Provided*, That no greater expense than fifteen dollars shall be incurred without a vote of the Board of Aldermen.

Unlawful to assume to be policeman.

SEC. 15. Any person or persons assuming to be or act as policeman or other officer of the city, unless he or they have been duly elected and qualified as such, shall be fined twenty-five dollars for each offense.

Ushers in public hall constituted special policemen.

SEC. 16. That the regular ushers in any public hall in the city are constituted special policemen, and as such, shall have the authority to arrest and eject from said hall any drunken person or persons, or any person behaving in a disorderly and indecent manner therein, or at the entrance thereto, and that they shall have the power to detain such person till a city policeman can be summoned, to whom the offender shall be turned over to be dealt with according to the law; and in the exercise of this authority such shall have the same power that policemen have to call persons to their assistance, and there shall be the same penalty for refusal, or neglect to assist, when so called on.

to wear badge.

SEC. 17. That such ushers shall wear a badge, when on duty, to designate them.

Call whistle.

SEC. 18. It shall be the duty of the policemen to have, in the discharge of their duty, a police call-whistle, to be furnished to each one at the expense of the city, and any person, not a policeman, who shall wantonly and maliciously give the police call, shall, upon conviction, be fined five dollars.

Allowed same fees as constables.

SEC. 19. The policemen of the City of Durham shall have such fees on all process and precepts executed or returned by them, as are allowed for the sheriff and constables of Durham

County for like service in cases other than where the Mayor formerly had jurisdiction to be taxed as a part of the costs and paid over to the Chief of Police of the City of Durham who shall pay the same to the Treasurer of City of Durham.

CHAPTER XII

THE MARKET AND TOWN SCALES

SECTION 1. Over the market a general superintendence shall be exercised by the committee appointed by the Board, and whenever a market is held it shall be the duty of the Clerk to attend to it. No market shall be held on Sunday; every other day shall be market day, and the market hours shall be from 4:30 a. m. until 9 o'clock p. m., from June 1st to October 1st; and from 4 a. m. until 9 o'clock p. m., from October 1st to June 1st, except on Saturdays, when the market-house shall remain open until 10 p. m.

Superintendence
of market-house.

SEC. 2. As soon as practicable after the market is closed on any day, and always before it is next held, the Clerk shall have the market-house, with the stalls and alleys adjoining, watered, swept and cleaned. The whole market premises, including such ground as may be used with or pertaining to the market, shall be kept by him clean and neat, and twice a year he shall have the market-house whitewashed inside.

To clean market-
house.

SEC. 3. The Clerk of the Market, under the supervision of the Committee on Market, shall annually, in the last week of September of each year, rent out publicly the fish and meat stalls, and vegetable benches or stands in the market-house, for one year from the first day of October ensuing, giving due notice of the time of renting, by posters in the market-house. All renters shall pay monthly in advance their respective rents to the Market Clerk of the city, and it shall be the duty of the Clerk of the Market to have vacated any stall or bench where the occupant fails to comply with the provisions of this section. But no person shall occupy a meat stall or bench at the market until he obtains a license from the Board of Aldermen, first having satisfied the Board as to his character and capacity.

Public rentings.

And such license may be revoked at the pleasure of the Board, for a violation of any of the criminal laws of the State or of the ordinances of the city, or for any other cause which the Board may deem sufficient.

No person shall rent more than one stall.

SEC. 4. Not more than one stall, bench or stand shall be rented to or occupied by the same person at the same time, without the consent of the Committee on Market.

Stall vacated if rent in arrears.

SEC. 5. If the rent of a bench, stall or stand be in arrears more than ten days, or vacated by reason of death or otherwise, or if the license of the occupant be revoked, the committee shall declare the said bench, stall or stand vacant, and the Clerk shall rent out the same, after twenty-four hours' notice, to the highest bidder.

Sign to be kept over stall.

SEC. 6. Every renter shall keep over his stall a sign with his name thereon, painted in letters which can be easily read. He shall in person be neat and cleanly, and shall keep the benches clean, and all parts of his stall, and the pavement thereof, and whitewash the interior twice a year. No butcher at a meat market, nor any sellers at a fish or vegetable market, shall leave about the market-house after market hours, any loose board, box, barrel or plank. Nor shall he bring to the market, after the first of May and before the first of November following, any beef or mutton tallow, except such as may be necessarily attached to a quarter of beef or mutton. Nor shall he leave in the market-house or any adjacent street, alley or ground, the head or feet or other part of any animal. Nor shall any person deposit any filth, offensive matter, dirt or rubbish, in or about the market-house, or any adjacent street, alley or ground. No renter of any meat stall shall hang, or allow to be hung, any meats on the outside of his stall. Any person violating this section, in any respect, shall, for each offense, pay a fine of five dollars.

Sales by dry measure and by weight.

SEC. 7. No person selling fruits or vegetables at the market, by measure, shall sell the same in any other than dry measure, and the said measure shall be by sealed measure. No person shall buy or sell at market any beef, pork, mutton, shoat, lamb or butter in any other manner than by weight. And no article sold, or offered for sale at market, shall be

weighed with steelyards. Every butcher shall keep in a conspicuous part of his stall, his patent platform balances and weights, or his scales and weights, the scales well balanced and in good order, and the weights correct. Any person violating this section shall pay a fine of five dollars.

Balances or
scales and
weights used.

SEC. 8. The Clerk of the Market shall, from time to time, examine the scales, balances, weights and measures used by persons at the market, to see whether they are sealed according to law, and to conform to Section 7 hereof; and also examine butter and other articles sold, or offered for sale by weight, to see that they are not deficient. Persons having at market illegal scales, balances, weights or measures, shall forfeit the same to the city. Articles offered for sale by weights, and found deficient, shall likewise be forfeited to the city, or, if sold, the value thereof shall be forfeited. In every case in which the Clerk of the Market shall have good cause to believe that anything is forfeited under this section, or under any other section in this chapter, he shall seize the same and summon the person in possession thereof at the time of the seizure, to appear before the Recorder or some justice, at some time within twelve hours, to show cause why said thing shall not be adjudged forfeited. Any person convicted under this section shall be excluded from the market, both as principal and agent.

Clerk to examine
scales, weights
and measures, and
have false
ones forfeited.

SEC. 9. It shall be the duty of the Clerk of the Market to exclude from the market all persons who shall be engaged in combination to raise the price of products and of such articles as are usually brought to market for sale; and the Clerk of the Market shall forthwith report to the Chief of Police the names of all persons engaged in any such practice, whereupon the Recorder, or any justice of the peace, may issue his warrant against the offenders, and he or she who shall be found guilty of any of the said offenses shall be liable to a fine of five dollars for every such offense.

Clerk to exclude
and report any
person who en-
ters combination
to raise prices.

SEC. 10. The Clerk of the Market shall see that the unappropriated spaces within and about the market square are kept open for passage; and no person shall obstruct the same, under the penalty of one dollar for each offense.

Unused space to
be kept open.

Clerk to keep records and make reports.

SEC. 11. The Clerk of the Market shall keep a faithful record of all the fees collected by him, and all moneys which come into his hands, and pay the same within five days after their receipt by him to the Treasurer; and on the first day of every month he shall report in writing to the Finance Committee all such amounts as he may have paid the Treasurer the preceding month. And it shall be the duty of the Clerk of the Market to collect all rents for stalls.

Monthly reports.

SEC. 12. At the first regular meeting of the Board of Aldermen in each month, the Clerk of the Market shall make an itemized report, showing in detail the respective rents of the stalls in the market and his other receipts. Every three months the said committee shall examine the books of the Clerk of the Market, and compare the said books with the accounts of the Clerk and the Treasurer.

Clerk to keep city scales.

SEC. 13. The city scales shall be under the direction of the Clerk of the Market. He shall attend to the weighing of articles, collect the fees and report his receipts therefrom, as directed in the section next preceding, for all his other reports.

Fees for weighing

SEC. 14. The fees for weighing fodder, hay, oats in sheaf and shucks, shall be ten cents for each 1,000 pounds or less, and one cent per hundredweight for each additional 100 pounds; for weighing coal, fifteen cents per ton.

Produce sold to be weighed on city scales.

SEC. 15. No person shall sell in the City of Durham, or deliver after it may have been sold, any fodder, shucks, hay, or oats in sheaf, without having the same weighed on the town scales and receiving certificates of same. Any person violating this section shall forfeit and pay a fine of five dollars.

No profane or obscene language used or filth deposited in market.

SEC. 16. Any person at or in the market-house who shall use profane or obscene language, or shall be intoxicated therein, or shall place, or cause to be placed, any excrement, filth or other offensive matter in the market-house or yard surrounding the same, shall, upon conviction, be fined five dollars for each offense.

No animals tied to market-house.

SEC. 17. Any person who shall tie a horse or other ani-

mal to the market-house shall be liable for every such offense to pay a fine of one dollar.

SEC. 18. No person shall sell any fresh fish within the corporate limits of the City of Durham, outside of the market-house of said city: *Provided*, Four places for the sale of fish be established outside of the market-house by the Market House Committee: *Provided, further*, That the persons so selling fresh fish at the four places established by the Market House Committee shall pay a license fee of five dollars per month. The person or persons to whom license is granted to sell fresh fish at said four places outside market-house are allowed to deliver same in all parts of the city. Any person violating this section shall be fined five dollars for each offense.

No fresh fish sold outside of market.

Proviso.

SEC. 19. Any violation of his duties prescribed in this chapter, shall render the Clerk of the Market liable to removal from office, and subject him to the payment of a fine of twenty-five dollars.

Violation of duty subjects Clerk to removal.

SEC. 20. No person shall be allowed to smoke in the market house, under a penalty of two dollars and fifty cents for each offense. It shall be the duty of the Clerk of the Market to drive out of the market-house all dogs that come therein, whether with or without their owner.

No smoking or dogs allowed in market.

SEC. 21. No person shall sell any fresh pork, beef, mutton, or any other fresh meats outside of the City Market house of the City of Durham: *Provided*, Four places for the sale of fresh meats may in the discretion of the Market House Committee be established outside the market house: *Provided, further*, That the privilege to sell fresh meats outside of the market house at the points designated by the Market House Committee shall be sold at public auction as provided for market stalls renting in Section 3, Chapter 12: *Provided, further*, That the persons licensed to sell fresh meats outside the market shall be subject to regulations governing the sale of fresh meats in the market house: *Provided, further*, This shall not apply to persons selling beef or other fresh meats of their own raising by the quarter or in larger quantities.

Unloading fish.

SEC. 22. That it shall be unlawful for any person to load or unload fish or exhibit fish for any purpose on the east side of the market-house in the City of Durham. Any person violating this ordinance shall be fined five dollars for each and every offense.

Putting fish-scales floor market.

SEC. 23. Any person putting or placing any fish-scales, scraps or any other solid substance, or pouring any water containing same, on or into the floor, sink or drain in the market-house, shall be fined two dollars for each and every offense.

Putting fish scraps in drain.

SEC. 24. Any person leaving any fish scraps or any other solid substance subject to decay on or in the grating of the drain outside the market building, shall be fined two dollars for each and every offense.

CHAPTER XIII

SPECIAL TAXES AND LICENSE

Victualing houses and restaurants.

SECTION 1. Every person desiring to open a victualing house or restaurant in the city shall make application to the Board of Aldermen in writing, naming the place to be used, and the license, if granted, shall be issued by the Clerk of the Board, who is hereby directed to record in his book the name of the applicant for license and the date of license. Any person who shall establish a restaurant or eating-house within the city, without first having paid the license tax to the Chief of Police, shall pay a fine of twenty-five dollars for each offense.

Hack, carriage and dray license.

SEC. 2. Every hack, carriage, dray or other vehicle licensed by the city shall be numbered, and upon receipt of the license tax to the Chief of Police he shall issue to the owner thereof a license in which the number of said carriage, dray, or other vehicle shall be given.

SEC. 3. The following shall be the tolls or charges which may be collected by drivers or owners of public drays unless special contract is made for a greater rate: For packages not exceeding fifty pounds, fifteen cents. Regular loads twenty

five cents. Any person violating this ordinance or any part thereof shall upon conviction be fined five dollars.

SEC. 4. The following shall be the tolls or charges which may be collected by drivers or owners of public carriages for the transportation of passengers within the corporate limits of the City: Day rate fifteen cents for each passenger carried five blocks or less by the usual route of travel; twenty five cents for each passenger carried more than five blocks, night rate twenty-five cents for each passenger carried five blocks or less by the usual route of travel; fifty cents for each passenger carried more than five blocks unless special contract is made between the parties.

In addition to the above tolls or charges collections may be made at the rate of fifty cents an hour for the time said driver or owner is required to wait for any passenger or passengers.

All owners of such carriages shall be required to keep posted in a conspicuous place in his carriage a card upon which shall be printed a list of the above rates which card shall be furnished by the City upon application to the Chief of Police.

Any person violating this ordinance, or any part thereof, shall upon conviction be fined five dollars for each offense.

SEC. 5. If any person shall secure and use the service of any hackman, carriage driver, drayman or transfer man with intent to cheat, defraud, or deprive him of just compensation for his services such person shall pay a fine of ten dollars for each offense.

SEC. 6. Before license shall be issued to any person to open a bowling alley, billiard or pool room, vaudeville or moving picture show application shall be made to the Board of Aldermen and their consent given.

SEC. 7. Every exhibitor of any machine and apparatus designed for public amusement, for the selling or using of which compensation shall be charged, not especially mentioned in the City Charter or some other ordinance, shall pay ten dollars each six months, or part thereof, the same shall be on exhibition: *Provided*, That this shall not apply to exhibi-

Exhibition of
machines, etc.

tions strictly scientific, nor to those where the entire proceeds shall be devoted to charitable or educational purposes.

Auctioneers or
itinerant mer-
chants.

SEC. 8. That no auctioneer or itinerant merchant be allowed to sell goods, wares or merchandise on the street at public outcry, and any one so offering to sell goods, wares or merchandise, shall pay a fine of ten dollars for each offense.

Festivals to close
by midnight.

SEC. 9. All fairs or festivals, for whatever purpose held, shall close by the hour of midnight. Any person found present at or conducting any fair or festival after said hour of midnight, shall, upon conviction, be fined five dollars.

Hours for opening
billiard tables,
etc.

SEC. 10. That all public bowling alleys, or alleys of like kind, or billiard tables, which are licensed by the Board of Aldermen of the City of Durham, shall not be kept open later than 12 o'clock p. m., and shall not be opened earlier than 5 o'clock a. m. Any person violating this ordinance shall be fined ten dollars for each offense.

License for boot-
blacks.

SEC. 11. No person shall shine or polish shoes for pay, upon the streets or in the door or hallways, near the public streets, without first having obtained an annual license from the Chief of Police, for which he shall collect the sum of one dollar. Any person violating this ordinance shall be fined the sum of one dollar.

Bill poster.

SEC. 12. (1) That the business of bill poster shall embrace all kinds of paper posters, metal or wood advertising hung by paste, tacking or otherwise upon boards, fences, buildings, etc. Also all metal or cloth signs, distributing of dodgers, paper circulars, samples, pamphlets or other advertising matter within the corporate limits of the City of Durham. *Provided*, Any person regularly engaged in business within the corporate limits of the City of Durham may distribute advertising, tack, paste or sample any matter advertising his own exclusive business without paying license. (2) That the license tax for each bill poster shall be ten dollars per annum, and no license shall be granted for a shorter time than one year. That all ordinances heretofore passed in regard to bill poster's license are hereby repealed.

License.

SEC. 13. That it shall be unlawful for any minor under the age of eighteen years to enter any public billiard or pool room except on business other than to play at said games, or to look on at others who play, or for the owner of any billiard or pool room to allow any minor under the age of eighteen years to loiter around or take part in any games of pool or billiard or for said owner or owners of pool or billiard rooms to have screens, stained windows, or any other obstructions to prohibit the view of said public pool or billiard room from the main entrance thereof.

Any violation of this ordinance shall subject the offender to a fine of twenty five dollars.

SEC. 15. Upon each and every emigrant agent there shall be imposed a tax of five hundred dollars, to be collected as other license taxes are collected. Any person carrying on the business of emigrant agent without having paid the license tax prescribed in this section shall be guilty of a misdemeanor, and shall be subject to a fine of fifty dollars, or imprisonment for thirty days, or both, at the discretion of the court.

Emigrant agent,
tax.

SEC. 16. Upon every person, firm or corporation who issues or sells to merchants or manufacturers any trading stamps or other devices to be returned by the person issuing or selling the same, there shall be levied and paid an annual tax of two hundred dollars.

Trading stamps.

SEC. 17. All persons, firms or corporations engaged in or carrying on the business of sign painting shall pay a license tax of ten dollars per annum, and no license shall be granted for a shorter period than one year.

Tax sign
painters.

SEC. 18. That every owner or manager of a dance hall shall pay a license tax in the sum of two dollars for each and every night.

SEC. 19. That no transient or itinerant dealer in flowers of any kind or the agent thereof shall be allowed to do business in the City of Durham without first obtaining a license from said City for which he shall pay the sum of two dollars for each and every day he is engaged in said, business, *Provided, however,* Such person or persons who continue in said busi-

ness for a week or longer shall pay a tax of ten dollars per week.

Any person violating this ordinance shall upon conviction be fined ten dollars for each offense.

SEC. 20. That no person, firm or corporation shall be allowed to drive a public hack or automobile for hire upon the streets of said city without having first been given a permit by the Chief of Police of said City and said Chief of Police shall issue a permit only to such persons as shall satisfactorily prove a good moral character, and said Chief with the authority of the Mayor of said City shall have a right at any time to cancel said permit, if said person holding said permit has been guilty of misconduct as unfits him for that kind of work.

(2) All persons, firms, or corporations having drivers of public hacks or automobiles for hire meaning by this that no hackman, person, firm or corporation operating the same shall permit any person to take charge of their hacks, or automobiles unless such person has a permit to run such hack or automobile from the Chief of said City.

(3) The Chief of Police shall at all times keep a record at police headquarters of all permits granted under this ordinance and of any cancellation thereof.

(4) That no permit to drive or operate a public hack or automobile for hire upon or along the streets of the City of Durham shall be issued to any person under fifteen years of age and it shall be unlawful for any person under fifteen years of age to drive a public hack upon or along the streets of said City.

(5) It shall be unlawful for any person to leave standing on Main Street between Roxboro Street and Five Points any public hack or vehicle not then in actual use without written consent of the Chief of Police.

(6) It shall be unlawful for any person, firm or corporation or the agent of any person, firm or corporation, to drive or work any beast of burden that is physically disabled for labor or work and it shall be the duty of the Police Committee of the Board of Aldermen of the City of Durham together with the Mayor and Chief of Police of said City to pass upon

the physical condition and fitness of all beasts of burden for work and inspect the same once every three months, commencing the first Monday in May, 1910.

And it shall be unlawful for any person, firm or corporation to work any beast of burden or compel the same to work after having been notified by the Police Committee of said Board together with said Chief of Police and Mayor to remove and discontinue the work of any such animal.

(7) It shall be the duty of said Police Committee, Chief of Police and said Mayor to inspect all public hacks or other public conveyances as may be offered for hire together with the harness and all attachments, as to their fitness and safety for transportation, and it shall be unlawful for any person, firm or corporation operating any such public vehicle or conveyance for hire within said City after having been forbidden by the Said Police Committee, Chief of Police and Mayor.

(8) All persons, firms or corporations, or agents of any person, firm or corporation, operating a conveyance for hire within said limits shall be required to wear a badge giving the number of their conveyance and license: and it shall be unlawful for any person, firm or corporation operating a public hack or automobile for hire or conveyance to allow more than one driver upon each and every such conveyance.

(9) No hackman, chauffeur or driver of any public vehicle or conveyance shall solicit any passenger or passengers or allow his hack or dray or other public conveyance to stand nearer the Union Station than on Church Street except when receiving and delivering baggage at the Baggage Room.

(10) Any person, firm or corporation, or the agent of any person, firm or corporation violating any of the foregoing provisions of this ordinance shall be guilty of a misdemeanor and upon conviction for each and every offense shall be fined five dollars.

SEC. 21. That every person, firm or corporation operating automobiles for the carriage of persons for hire be required to pay an annual license tax of twelve dollars.

SEC. 22. (1) That Chapter 13, Section 28, be and the

same is hereby repealed, and the following sections are substituted therefor:

2. That any person, firm or corporation, engaged in the business of cleaning and pressing clothes for hire, shall on, or before the 1st day of May of each year take out a license, for the purpose of conducting said business, for which license there shall be paid the Chief of Police of the City of Durham the sum of fifteen dollars.

3. That any person, firm, or corporation, either a resident of the City of Durham or a non-resident of the said City, engaged in selling and dealing in clothes, or taking orders for the same, or in any way engaged in the tailoring business, shall pay a license tax of twenty-five dollars, the same to be paid on the 1st day of May of each year, *Provided*, That non-resident tailors, working for and in the employ of persons, firms, and corporations who have paid this tax, shall not be liable for this tax.

4. Any person, firm or corporation, violating the provisions of this ordinance, shall, upon conviction, be fined the sum of twenty-five dollars.

SEC. 23. That it shall be unlawful for any person or proprietor of a public pool or billiard room to keep, have on hand, permit or allow in said public pool or billiard room, any intoxicating or malt liquors and all licenses now granted or hereafter granted for the operation of such public pool or billiard room or parlor are subject to this ordinance.

Any person violating this ordinance shall be guilty of a misdemeanor.

SEC. 24. That every junk dealer, pawnbroker or person engaged in the second hand business, shall, every day, except Sunday, before the hour of four in the afternoon, deliver to the Chief of Police of the City of Durham, on blank forms prescribed by the Board of Aldermen of the City of Durham, a legible and correct transcript from the book or books provided for, showing the description of all and every article received by him the business day immediately preceding (except as to the purchase of rags, old iron and paper) together with the amount paid therefor, and a description of the

person making the sale, such transcript of the business done on Saturday to be delivered as aforesaid, before four o'clock in the afternoon of the following Monday.

Any person, firm or corporation failing to comply with this ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be fined the sum of five dollars.

SEC. 25. (1) That it shall be unlawful to conduct any public dance hall in the City where an admission fee is charged, except upon application to the Board of Aldermen.

(2) That all public halls shall be closed at 12 p. m. and shall remain closed on Sundays.

(3) That all police officers or other proper officers shall be allowed to enter said dance halls at any time for the purpose of seeing that order is maintained.

(4) That a license tax of Six (6) Dollars a week shall be paid to the Chief of Police for the City, for such privilege.

(5) That any license granted hereunder may be revoked with or without notice.

(6) That this ordinance shall take effect December 1st, 1913.

SEC. 26. That every person, firm or corporation engaged in what is commonly known as Junk business, to-wit: buying and selling rags, bones, bottles, tow-sacks, rubber, scrap iron and brass; or engaged in collecting rags, bones, bottles, tow-sacks, rubber, scrap-iron and brass, or both, shall be required to pay an annual tax of fifty dollars.

That every person, firm or corporation engaged in the junk business, shall, every day, except Sunday, before the hour of four o'clock in the afternoon, deliver to the Chief of Police of the City of Durham on blank forms prescribed by the Board of Aldermen of the City of Durham a legible and correct transcript from the book or books provided for, showing the description of all and every article received by him the business day immediately preceding (except as to the purchase of rags, old iron and paper), together with the amount paid therefor, and a description of the person making the sale, such transcript of the business done on Saturday, to be delivered as aforesaid, before four o'clock in the afternoon of the fol-

lowing Monday. *Provided, further,* That no dealer in the junk business be allowed to purchase the articles above named from persons under eighteen years of age, and that no person engaged in the buying and selling of the above named articles shall be allowed to purchase the same between the hours of sunset and sunrise.

That any person, firm or corporation failing to comply with this ordinance, shall be guilty of a misdemeanor, and, upon conviction, shall be fined the sum of Five Dollars.

That all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect from and after the date of its adoption.

SEC. 27. That every person, firm or corporation engaged in the buying and selling of raw and green hides or hides of any other description, shall be required to pay an annual tax of fifty dollars, *Provided, further,* That any butcher or butchers who shall engage in the selling of raw and green hides or hides of any other description shall not be required to pay the above tax. *Provided, further, however,* That any butcher or butchers who shall engage in the buying of raw and green hides or hides of any other description shall be subject to the payment of the above tax.

That any person violating the above ordinance shall be fined five dollars for each and every offense.

This ordinance shall be in full force and effect from and after the date of its adoption.

SEC. 28. That upon each and every transient or itinerant dealer in junk, who shall buy, sell or collect rags, bones, bottles, tow sacks, rubber, iron and brass, or who shall buy or sell raw and green hides or hides of any other description, or both, shall be imposed a tax of fifty dollars, to be collected as other license taxes are collected.

Any transient dealer in junk or hides, or both, who shall carry on such business without having paid the license tax prescribed in this section shall be guilty of a misdemeanor, and shall be fined the sum of fifty dollars.

This ordinance shall be in full force and effect from and after the date of its adoption.

SEC. 29. That all privilege occupation taxes due the City of Durham shall be due and payable on the first Monday in September of each year.

That any person, firm or corporation violating this ordinance shall be fined ten dollars.

CHAPTER XIV

THE CEMETERY

SECTION 1. The city cemetery shall be used exclusively for the burial of white persons. Cemetery for white persons.

SEC. 2. There shall be appointed at the regular meeting of the Board, in each and every year hereafter, a Sexton to take charge of the city cemetery, and for enforcing the ordinances of this chapter. Sexton.

SEC. 3. The Sexton shall have the digging of all the graves in the cemetery, at such prices as are hereinafter established. Sexton to dig graves.

SEC. 4. It shall be the duty of the Sexton to see that all the laws concerning the cemetery are duly observed and enforced, and in case of infraction, to report the same to the Chief of Police. To enforce ordinances.

SEC. 5. The Sexton shall keep the cemetery in a neat and clean condition, performing all the work which he may be directed to do by the Board, for which he shall receive such compensation as the Board may allow. To keep cemetery clean.

SEC. 6. It shall be the duty of the Sexton to keep a book in which the name, age, disease and date of burial of those buried in the cemetery are recorded, and he shall make a report thereof to the Board of Aldermen at each regular meeting. Record of death and cause.

SECTION 7. All graves shall be at least five feet in depth and be sunk due East and West. The following fees shall be charged, viz: For digging a plain grave and filling up the

same, \$3.00; children not over ten years, \$1.50; for exhuming body of adult, \$2.50; of infant \$1.50; for digging grave for brick vault, double the above prices; working on private lots in the cemetery to be paid by the owner, twenty-five cents an hour or one dollar and fifty cents per day and the fees shall be paid into the City treasury. A fee of three dollars shall be charged for digging the grave of a pauper residing in the City of Durham, and for those residing outside of the City limits a fee of five dollars shall be charged for digging each grave.

Only Sexton to dig graves.

SEC. 8. No person other than the regularly appointed Sexton shall dig any grave or dig up any sod in the cemetery under a penalty of twenty dollars.

No person to interfere with private burial lots.

SEC. 9. No person shall put any fence, grave-stone or board, or erection of any kind, or dig up any sod on any private burial lot, except under the direction, or by the consent of the owners thereof, under a penalty of twenty dollars for each offense.

No person to cut or injure trees or shrubbery.

SEC. 10. No person shall cut, break or in any other manner injure or destroy any tree, shrub or plant, or wantonly injure or destroy any flower, either wild or cultivated, in the cemetery, under a penalty of twenty dollars.

Not to discharge firearms.

SEC. 11. No person shall discharge firearms in the cemetery, under a penalty of twenty dollars.

Not to ride or drive horses or vehicles faster than a walk.

SEC. 12. No person shall ride, drive or lead any horse or vehicle in the cemetery faster than a walk, under penalty of ten dollars.

No filthy deposit.

SEC. 13. No person shall deposit, or cause to be deposited, any filthy or unclean or offensive substance in the cemetery, under penalty of twenty dollars.

No person to excavate or remove earth from cemetery.

SEC. 14. No person shall excavate any earth in the cemetery, or remove the same therefrom, except by consent or under direction of the Board of Aldermen, or of the Sexton, or of some other officer legally authorized by the said Aldermen, under penalty of twenty dollars for each offense.

Unlawful to play games in cemetery.

SEC. 15. It shall be unlawful for any person to play at any game in the cemetery, and it shall be the duty of the

Sexton to prevent same. If, after being ordered to desist by the Sexton, he or she shall still persist, it shall be his duty to carry such person before the Recorder, who shall impose a fine of twenty dollars.

SEC. 16. All persons desiring to purchase lots in the cemetery must apply to the Sexton, whose duty it shall be to lay off said lots and require an immediate cash payment of ten cents per square foot, if for a city resident, and fifteen cents per square foot, if for the use of a non-resident: *Provided*, That the Board may change the terms.

Price of lots and how purchased.

SEC. 17. On the payment of the sum above required, the Sexton shall issue a certificate to the purchaser of said lot, specifying the lot and the price thereof. Upon the presentation of the said certificate, the Mayor shall make out a deed for said lot prohibiting re-sale, without consent of the Board of Aldermen, and shall cause the Sexton to enter in a book kept for that purpose, the date of the deed, the description and price of the lot, and to whom sold.

Street Commissioner to issue certificate and Mayor to make deed.

SEC. 18. It shall be the duty of the Sexton to collect all moneys due for burial lots and graves in the cemetery, and pay the same over to the City Treasurer and make monthly reports thereof to the Board of Aldermen.

Street Commissioner to collect money for burial lots.

SEC. 19. The Sexton must be present at laying off of all graves.

Present when graves laid off.

SEC. 20. Every application to the Sexton for digging of graves must be accompanied by a death certificate of the attendant physician, stating the name, age, disease and date of death of the person for whom the burial is desired.

Application for grave to be accompanied by death certificate.

SEC. 21. No person shall purchase or be the owner of more than two lots in the cemetery, at one and the same time, without the consent of the Board of Aldermen previously obtained.

No person to own more than two lots.

SEC. 22. No person or persons shall pass through the cemetery, nor shall any person walk therein, except in the regularly laid off walks, under penalty of ten dollars.

Use walks in Cemetery.

SEC. 23. The Sexton of the cemetery shall have the power and authority of a policeman, and may arrest any person for

Sexton has police power.

any violation of the ordinances of the city or the requirements of the respective cemeteries. The same authority shall be exercised by those legally appointed assistants.

CHAPTER XV

HEALTH OF THE CITY

Duty of Clerk to keep market-house clean.

SECTION 1. It shall be the duty of the Market Clerk or Market Police to see that the market house of the City of Durham is kept clean and to have the floor of the market-house thoroughly washed at least once a week, from October 1st to April 1st, and at other times daily. Failure to perform this duty shall be cause for removal from office.

Power of committee on health to expend money in cases of emergency.

SEC. 2. In case of emergency, the Committee on Health of the City of Durham is empowered to expend out of the treasury of the City of Durham without previous order of the Board of Aldermen a sum not exceeding twenty-five dollars, and the City Clerk shall issue his warrant in such case for the amount approved by the Chairman of the Committee on Health, not exceeding twenty-five dollars.

SEC. 3. The Committee on Public Health shall have a general supervision of the public health of the City and shall from time to time as may be necessary confer with the Superintendent of Health of the County and City of Durham, and also from time to time as may be necessary attend the regular public meeting of the Board of Health of the County and City of Durham, and to the said Committee shall be referred all matters relating to public health before any appropriation for the Board of Health is made the same shall first be passed upon by the Finance Committee of the City of Durham.

SEC. 4. All matters concerning the preservation of the public health and the making of laws and regulations for the preservation of public health having been by law vested in the Board of Health for the County and City of Durham, the Board of Aldermen shall upon the request of the said Board

of Health make all such reasonable appropriations for the carrying out of said laws and regulations as may be necessary.

CHAPTER XVI

CONCERNING DOGS AND OTHER ANIMALS

SECTION 1. It shall be the duty of every person, at the time of giving in his annual list of taxable property for the city, to declare, on oath, the number of dogs or sluts he may own, or which may belong to any person boarding or residing with his family.

Giving in of dogs.

SEC. 2. Should any person fail to give in his dog or slut in the manner prescribed, he shall be deemed guilty of a misdemeanor, and be fined five dollars for each dog or slut so omitted.

Penalty for failure to do so.

SEC. 3. The Chief of Police shall prepare dog collars, not exceeding in price twelve and one-half cents each, and shall issue one to each person presenting the certificate of the collector that the tax has been paid.

Dog collars.

SEC. 4. It shall be the duty of all owners of dogs or sluts in the city to procure from the collector, on paying the proper tax, a collar as above described, which shall be attached to said animal.

Owners to secure same.

SEC. 5. That all unlicensed dogs running at large, or whenever found in the city, shall be subject to be taken up by the police and killed after ten days' notice to owner. That it shall be the duty of the Chief of Police, not less than once a week, to have a canvass of the city made, with a sufficient force of hands detailed by the Street Commissioner, under the supervision of a policeman, to capture and secure all unlicensed dogs. For his services in carrying this ordinance into execution, the Chief of Police shall be allowed as follows: For the capture and slaughter, or capture alone, of each dog, one dollar; for feeding the same, per day, ten cents. The fees shall be paid by the owner before the dog shall be surrendered to him; and if the dog is not claimed by the owner, then by the city.

Unlicensed dogs to be killed if not claimed.

Pound.

SEC. 6. The Chief of Police shall, when in his opinion necessary, rent a lot within or without the city limits, and prepare the same to be used as a pound, the expenditures of which shall be with the advice and consent of the Committee on Finance, paid by the city.

Dogs of non-residents.

SEC. 7. If the dog or slut belonging to any person not a resident of the city, shall be secured under the foregoing provisions, the same shall be delivered to the claimant without charge: *Provided*, That the claim shall be made within twenty-four hours after the seizure. But if not made within said time, the claimant shall pay cost and charges.

Dogs attached to vehicles or in owner's presence

SEC. 8. It shall not be lawful to seize any dog or slut belonging to any person not a resident of the city, if the animal shall be attached to a vehicle of the owner, or shall be within his personal presence.

Instruments of capture.

SEC. 9. The Chief of Police shall be authorized, at the expense of the city, with the advice and consent of the Committee on Finance, to have prepared such instruments for capturing the animals liable to seizure as aforesaid, as may be proper and necessary.

No proud bitch to run at large.

SEC. 10. A fine of five dollars shall be imposed upon any person who shall allow a proud bitch belonging to him to run at large in the city, and a further fine of ten dollars for each day after the first day said bitch runs at large: *Provided*, The Chief of Police, or any policeman, shall destroy her immediately upon discovery.

License on dogs.

SEC. 11. On every dog owned and kept within the City of Durham there shall be paid a license tax of one dollar per annum. On every slut owned and kept within the City of Durham there shall be paid a license tax of three dollars per annum. Said license tax to be paid on or before the 1st day of October in each year. If any owner of a dog or slut shall fail to comply with this ordinance he shall be notified by the Chief of Police to kill said dog or slut, and if he shall fail to comply with said notice, he shall, upon conviction, be fined five dollars.

SEC. 12. It shall be unlawful for any owner or owners of bull dogs in the City of Durham to allow the same to run at large on the streets of said city without first having muzzled the said dogs. Any person failing to muzzle any bull dog before bringing the same upon the streets shall, upon conviction, be fined two dollars for each and every offense.

And it shall be the duty of the police to catch, impound and slaughter all bull dogs running at large on the streets of the City of Durham when said dogs are not muzzled as hereinbefore required.

CHAPTER XVII

CONCERNING STREET CARS

SECTION 1. All persons are forbidden and prohibited from getting on street cars while in motion except for the *bona fide* purpose of using the same for transportation and paying the fare. Any person violating the provisions of this section shall be fined five dollars for each offense.

Forbidden to get on cars only as passengers.

SEC. 2. Any person who shall get upon a street car and shall, upon the demand of the conductor thereof, refuse to pay his fare, and shall refuse to leave said car at request of the conductor, upon the car being stopped, shall, upon conviction, be fined two dollars.

Refusal to pay fare.

SEC. 3. Motormen on electric cars and drivers of automobiles or motorcycles, when approaching a frightened animal, which said animal is being ridden or driven, shall stop such street car, automobile or motorcycle as promptly as possible after observing such animal. Nor shall they ring gongs, sound whistles or blow horns at such times. Any person violating this ordinance shall, upon conviction, be fined ten dollars.

Duty of motormen.

SEC. 4. It shall be unlawful for any person or persons to run any street car, or cause the same to be run, in the City of Durham, at a rate of speed greater than fourteen miles an hour. Any person violating this ordinance shall, upon conviction, be fined ten dollars.

Rate of speed street cars.

No expectoration
in street cars.

SEC. 5. It shall be unlawful for any person to expectorate or spit upon the floor, platform or steps of any street car in the City of Durham, or upon the floor, steps or platform of any street car within one-half mile of the City of Durham and any person so offending shall, upon conviction, be fined one dollar.

SEC. 6. It shall be unlawful for any person, firm or corporation to operate any electric, trolley or other street car on the streets of the City of Durham without watering the tracks and that part of the street or streets used and occupied by such persons, firms or corporations so as to effectually keep down the dust on such tracks and such parts of the streets laid.

Any person, firm or corporation violating this ordinance shall, upon conviction be fined twenty-five dollars, and each day the ordinance is violated shall constitute a separate offense.

CHAPTER XVIII

PLUMBING

Control of sewer
system by Board
of Aldermen.

SECTION 1. That the sewerage system of the City of Durham, and all matters and things appertaining to its use, management and control, in every manner and way, shall be under the control of the Board of Aldermen of Durham, its agents and employees, as hereinafter set forth in this ordinance and such ordinances as the Board of Aldermen may hereafter adopt from time to time; and the duty of enforcing the provisions of all such ordinances shall devolve upon such officers or agents of the city as may be thereunto required by said Board of Aldermen, by ordinance or otherwise.

Appointment of
Inspector of
sewers and
plumbing.

SEC. 2. The Board of Aldermen shall elect or appoint for such a term as it may deem best, and at such compensation as it may hereafter fix, some competent person with a practical knowledge of plumbing and house-drainage, who shall be designated as Inspector of Sewers and Plumbing, who shall perform such duties and exercise such authority as may be hereafter imposed upon him by the Board of Aldermen in this and in subsequent ordinances.

SEC. 3. Before any person, firm or corporation shall engage in or carry on the business of plumbing, or house drainage in the City of Durham, or shall do any plumbing or house drainage work, said person, firm or corporation shall give a good and sufficient bond in the sum of two hundred dollars, said bond to be approved by the mayor and the city attorney of the said City, conditioned upon the observance of the rules and regulations contained in this and subsequent ordinances for the faithful performance of duty in making connections with the sewers of said city and to indemnify the said City against loss in any manner whatsoever for any unskillful or negligent work, or conduct, in the performance of any plumbing or house drainage, or for any damage to the sewer pipes, streets or sidewalks of said City or for the use of defective or improper material in said work, by themselves or their employees, whereupon they may be duly licensed by the Chief of Police to conduct a plumbing business or do plumbing work for which said license a fee of twenty-five dollars per annum shall be paid in advance.

SEC. 4. There shall be a board of examiners of plumbers for the City of Durham, which said board shall consist of three members, to-wit, one master plumber, one journeyman plumber to be designated by the mayor, and board of Aldermen, and the plumbing inspector.

If any member of the said board shall resign, or from any cause there shall be a vacancy on said board the vacancy shall be filled by the remaining members of said board.

Any person desiring to follow the trade of plumbing in the City of Durham, shall first submit to an examination by the said Board of Examiners as to his competency and capability to follow such trade; and if upon examination the board of examiners shall find the said applicant capable and competent to follow the said trade of plumbing, they shall then issue to the said applicant a certificate setting forth that he has been duly examined by said board and found capable and competent to follow said trade of plumbing; and thereupon the Plumbing Inspector of the City of Durham shall issue to the holder of such certificate a license authorizing the holder thereof to engage in the plumbing business, or follow the plumbing trade in

the City of Durham, provided the holder of such certificate shall pay to the Clerk of the City of Durham the sum of one dollar to cover the expense of said examination and to also pay the license fee provided in Section 3 above. Any license granted hereunder may be revoked by the Board of Aldermen of the City of Durham at the discretion of said board. Any person, firm or corporation who shall follow the trade of plumbing in the City of Durham without first obtaining a license shall be guilty of a misdemeanor and upon conviction shall be fined the sum of five dollars.

Inspector to be notified before work is covered.

SEC. 5. All plumbing or house drainage work done in the City shall be subject to the inspection and approval of the City Plumbing Inspector and done in accordance with the rules and regulations prescribed in the ordinances of the City of Durham. Whenever a house connection is being made to the public sewer, the plumber doing the work shall, before any part of his work is covered or hidden from view, notify the Inspector that the work is ready for inspection, and the Inspector shall proceed with due diligence to inspect the work.

Inspector examine plans of house connections.

SEC. 6. It shall be the duty of the Inspector of Sewers and Plumbing to periodically inspect plans on file for making house connections as provided in Section 7 and to accept, reject or make such alterations in the plans for plumbing of such houses as he may deem necessary to the securing of proper sanitary plumbing and house connections with the public sewers.

Further duties of Inspectors.

SEC. 7. It shall be the duty of Inspectors of Sewers and Plumbing, under the direction of the Board of Aldermen, to issue all permits, notices and certificates; to keep a daily record of his work, including all notices and applications received, and permits granted, and certificates given, and to report promptly to the Mayor all violations of these regulations. He shall inspect all house connections during their construction, from time to time, sufficiently to see that all plumbing, drainage and sewerage work is done in accordance with these rules and regulations. He shall, immediately upon notification by the plumber, proceed to inspect and pass upon the work, apply such tests (tests to be actually applied by plumber

in the presence of the Inspector). as may, from time to time, be prescribed, and have any defects immediately remedied under his supervision. Tests will generally consist of a water test on the roughed in work, filling all pipes (and traps where possible) full of water to the highest joint above the roof and an air or smoke test on the fixtures. He shall promptly condemn and order the removal of any defective material or work done contrary to the spirit of these regulations and specifications governing house connections.

SEC. 8. No plumbing work shall be used until the same has been duly inspected by the Inspector and a certificate of approval issued.

Plumbing work approved before use.

SEC. 9. The Inspector, as far as may be necessary for the performance of his duties, shall have the right to enter any building or premises in the limits of the city without interference or hindrance, and he shall have the power to condemn all unsanitary work, and report the same to the Mayor and Board of Aldermen. A specified time shall be given in which the defects can be remedied. He shall also report all persons who shall interfere with him in the performance of his duties; and any person so interfering with the Inspector in the discharge of his duties shall be punished as hereinafter prescribed.

Inspector to enter buildings.

SEC. 10. No plumber, or any other person, shall make a connection to the public sewer without being duly licensed so to do, nor in any manner except in strict accordance with all the foregoing regulations, and the following specifications, under penalty of a revocation of his license, and a further penalty as hereinafter prescribed.

Only licensed plumbers make sewer connections.

SEC. 11. Permits for sewer connections will not be given until distance of required sewer is determined from nearest man hole on lower end of main sewer. A "Y" shall not be folded in the line if the desired distance is in fifteen feet of "Y" already in, unless main line fall will not allow connection on upper side of desired connection. No connection shall be over a 45-degree angle to a vertical line.

Permits for sewer connections.

SEC. 12. The out plumber who makes any house connection with the public sewer shall be held responsible for any damage he may do to the sewer or streets or sidewalks. He

Plumber responsible for damage.

shall restore the streets and sidewalks to as good condition as they were at the beginning of the work.

Certain connections to sewers prohibited.

SEC. 13. No person or persons shall directly or indirectly connect any open gutter, cess-pool, privy vault, or rainwater conductors with the sanitary sewers.

Separate sewer connections each house.

SEC. 14. Every house or building to be connected with the public sewer shall be separately connected unless special permit is granted by the Plumbing Inspector or by the Board of Aldermen for combined connections.

House drains.

SEC. 15. The house drains shall be of four-inch, five-inch, or six-inch diameter, standard deep and wide socket, vitrified salt sewer glazed sewer pipe, from the public sewer to within three feet of entrance to the building. The joints shall be made with fresh ground cement, composed of one part cement and two parts sand. On pipe six inches in diameter or larger, joints shall be made with oakum and cement. A mop filled with sand and straw shall be drawn through the pipe as same is laid. Pipe shall be laid in straight lines with grades not less than one foot in forty feet for four inch, one foot in sixty feet for five-inch, and one foot in eighty feet for six-inch pipe. Connections to the public sewer shall be made by a $\frac{1}{8}$ bend to a "Y" branch; all other changes in direction from a straight line shall be made by a curved pipe.

Soil pipes.

SEC. 16. The soil pipe shall be of cast iron, generally of four-inch diameter, extending from the connection with the house drain (three feet from building line) through the entire height of the building, and not less than two feet above a two-story building and three feet above a single story building. Where outlets of pipes are near to chimneys or ventilators, in no case shall same be allowed within six feet of the opening of such chimneys or ventilators if it can possibly be avoided. When windows or doors are nearer than twenty feet to vent, vent shall in all cases be extended above them at least two feet; if line is over ten feet above roof it shall be secured by suitable brackets. In all cases where pipe runs through a single story building and there is a two-story part nearby, it should run up alongside of two-story part. The pipe

shall be wholly open at the top and protected by a wire basket. The main stack shall be provided with a suitable clean-out screw cap at the foot.

The sizes of soil and waste pipes must not be less than those set forth in the following table: Size of soil and waste pipes.

<i>Horizontal Runs</i>	<i>Number of Water Closet</i>
4 inches.....	1 to 6
5 inches.....	7 to 12
6 inches.....	13 to 20

<i>Vertical Runs</i>	<i>Number of Water Closet</i>
4 inches.....	1 to 12
5 inches.....	13 to 25
6 inches.....	26 to 40

Small fixtures in number not to exceed twice the number of water closets, may discharge into the lines above specified without increasing their size. When the small fixtures exceed in number this ratio, four other fixtures shall be considered equal to one water closet. All soil pipe must be coated both inside and outside with coal pitch, varnish, or liquid asphalt. Joints shall be made with picked oakum gasket, and with one pouring of hot lead, and so thoroughly caulked as to make them gas and water tight.

SEC. 17. Waste and vent pipes from bath-tub, washbowl, basins, pantry sinks, kitchen sinks, slop sinks and all other fixtures may be of lead or iron of not more than two inches diameter. The diameter of lead pipe for the various wastes shall be as follows: Waste and vent pipes.

One wash bowl, $1\frac{1}{4}$ to $1\frac{1}{2}$ inches.

Row of basins, $1\frac{1}{2}$ to 2 inches.

One bath-tub, $1\frac{1}{4}$ inches inlet to trap, $1\frac{1}{2}$ inches outlet.

Row of bath tubs, 2 inches.

Pantry sink, $1\frac{1}{2}$ inches.

Kitchen sink, $1\frac{1}{2}$ inches.

Laundry trays, 2 inches.

Slop sinks, 3 inches.

Urinal, $1\frac{1}{2}$ -inch trap connected to 2-inch discharge.

<i>Horizontal or Vertical Runs</i>	<i>Number of Fixtures</i>
1½ inches.....	2
2 inches.....	3 to 5
2½ inches.....	6 to 10
3 inches.....	10 to 16

The weight of lead pipe, bends and traps per foot shall approximate:

- 2½ pounds for 1¼-inch diameter pipe for flush pipe only.
- 3 pounds for 1½-inch diameter pipe.
- 4 pounds for 2-inch diameter pipe.
- 6 pounds for 3-inch diameter pipe.
- 8 pounds for 4-inch diameter pipe.

All connections of lead waste and vent pipes must be made with brass ferrule or soldering nipple, and shall be put together by means of well made wiped solder joints. Waste and vent pipes, if made of iron, shall fulfill same requirements as prescribed in Section 16. In cases where lead and iron pipes join, the joints shall be made by a brass or tinned copper sleeve or ferrule; the joint with the iron pipe shall be either screw or lead caulked, and with the lead pipe with a wiped solder joint. No waste from bath sink or other fixture shall be run into a lead bend of closet branch above the heel or into the heel of such bend, but must connect to a "Y." Traps must be placed as close as possible to the fixture which it traps.

Waste pipes.

SEC. 18. All waste pipes that run more than twenty-five feet from the main stack or soil pipe, shall continue unbroken above the roof or return to the main stack above the highest fixture.

Separate traps
for fixtures.

SEC. 19. Every sink, bath-tub, water closet, basin, urinal, safe or other fixtures shall be separately trapped. Every trap shall have a vent pipe connecting it with the main ventilating pipe, except when waste vent is used. Then in every case trap must be a size smaller than the pipe it enters, except drum trap, when inlet from fixture is a size smaller than outlet from trap. Pipe will be returned to stack or go through separately when further away than ten feet. P traps will be allowed unvented when within fifteen inches of stack. The main vent

pipe shall be of iron, generally of two inches in diameter, extending from the lower fixtures parallel with the soil pipe, either above the roof with an open top and wire basket, or it may terminate in the soil pipe above the highest fixture. The vent pipe from a water closet trap shall be two inches in diameter; the vent pipes from all other traps to be of the same diameter as the pipe which it vents, unless a two-inch line, such as a kitchen sink waste, which is nearer than twenty feet from the main four-inch stack; in such cases one and one-half inch galvanized pipe may be used from two-inch sanitary T. If necessary to use two-inch lead pipe in order to keep near the pipe up and through roof.

The sizes of main and branch vents must be increased as fixtures are added, as follows:

Number and Size of Traps Vented

1 or 2 traps.....	1½ or 2 inches
1 or 5 traps.....	3 or 4 inches
6 or 9 traps.....	3 or 4 inches
10 or 15 traps.....	3 or 4 inches
16 or 25 traps.....	3 or 4 inches

Diameter—Maximum Length

1½ inch.....	25 feet
2 inch.....	50 feet
2½ inch.....	75 feet
3 inch.....	100 feet
4 inch.....	150 feet

Be it, however, understood that four 1½-inch, or two 2-inch traps shall be considered equal to one 4-inch trap.

The vent pipes must always have a continuous slope to prevent the retention of water which may be condensed in the pipes, and the vertical soil pipe above the highest fixture and back vent pipe shall be run at an angle not exceeding forty-five degrees with the vertical to prevent the retention of rust, except where special permission is given to the contrary in exceptional cases. All branch vent pipes must be kept above the top of any and all connecting fixtures so as to prevent the pos-

sible use of vents as waste pipes should the latter become obstructed.

Fixture, how
trapped, etc.

SEC. 20. All traps must be well supported and set true with respect to their water levels.

All traps must have a water seal of at least $1\frac{1}{2}$ inches in depth.

Branch line of
soil pipe.

SEC. 21. Every branch line of soil pipe to which a group of two or more water closets are to be connected, and every branch line of horizontal soil pipe, fifteen feet or more in length, to which a water closet is to be connected, shall be ventilated either by extending said soil pipe, undiminished in size, to at least three feet above the highest part of the building, or contiguous property, or by connecting said soil pipe with the main soil pipe three feet above the highest fixture.

SEC. 22. Pan, plunger, offset, washout range closets and washout latrines shall not be allowed in any building; nor shall hopper closets be installed in any building hereafter erected unless of approved pattern. Such closets when found to be a nuisance, shall be removed; or when the same are removed for repairs they shall not be again installed. Closets shall be set with brass floor plate not less than $\frac{1}{4}$ of an inch in thickness, soldered to a lead bend. Such lead bends shall project above flange about $\frac{1}{4}$ of an inch or more if necessary, but shall not bind against base of closet. Also the projecting part shall be flared out enough so base of closet outlet will fit inside of it tightly. Closet shall be seated and made gas tight in connection by white lead and dry lead powder, mixed in a state of putty. When oil is used in mixture boiled linseed oil shall be used. All water closets must be provided with a sufficient supply of water for flushing, and to keep them in proper and cleanly condition. No copper lined flush tank will be permitted for use for any closet; nothing but lead lined or vitreous china or cast iron tanks are permitted. Water closets shall be located in well lighted, well ventilated apartments; water closets shall not be flushed by direct service from the water pipes, but from special tanks placed in such position as to give at least a head of six feet, except that the low tank pattern of syphon jet closet may be used subject to ap-

proval. The overflow from the tank, if any, shall be discharged into the open air or basin of the closet; in no case shall it discharge directly into the soil pipe. An approved type of frost-proof closet will be allowed out of doors. Same shall have 2-inch vent from trap extending above roof of outhouse in which it shall be located.

SEC. 23. Water pipes from safes, refrigerators, cistern overflows and water tanks from which water is taken for drinking and cooking purposes, shall in no case be connected directly with any soil, waste or drain pipe, but must be discharged into an open sink, which shall be properly trapped, or into the open air.

SEC. 24. All exit pipes from plumbing fixtures, except water closets, shall be covered by strong metallic strainers, securely fastened, and of such mesh as to prevent any improper substance from entering the sewers or drains.

Nature of exit pipes.

SEC. 25. All fixtures shall be wholly exposed when possible or practicable. All pipe shall be concentrated as much as possible, and so placed as to be readily examined and inspected.

Placing of fixtures and pipes.

SEC. 26. No person or persons shall injure, break, remove or obstruct any portion of any manhole, lamphole, flush-tank or any other part of the public sewer. Any person violating the provisions of this section shall be punished as hereinafter prescribed.

Injury to public sewer, penalty.

SEC. 27. The Board of Aldermen shall have power to prevent or discontinue any connection with the public sewer which discharges any substance liable to injure the sewers or obstruct the flow of the sewage.

Power of Board to disconnect with any public sewer.

SEC. 28. No waste from gas works containing tar or any other by-products, and no exhaust steam shall be allowed into the public sewers, or water of a higher temperature than 120 degrees Fahrenheit.

Exhaust Steam.

SEC. 29. That there shall be no substance, either solid or liquid, put into the public sewers of the city at manholes, or in any other way than through a connection made as herein provided; and any one violating the provisions of this section shall be punished as hereinafter prescribed.

No substance to be put in sewers at manholes.

Sheet metal, etc.,
flue not to be
used as ventila-
tor.

SEC. 30. No sheet metal, brick, earthenware, chimney or other flue, shall be used as a ventilator for any house sewer or drain, nor to ventilate any traps, drain, soil, waste, or vent pipe.

SEC. 31. Where soil and vent pipes pass through roofs a proper lead or metallic adjustable flashing shall be used.

Sinks to be
trapped.

SEC. 32. All kitchen sinks or other fixtures when installed, and no sewerage connection to be had to them, shall in all cases be trapped, so foul air arising through pipe will not enter living apartments.

Securing pipe
line in position.

SEC. 33. Soil pipe shall be made secure with at least a 5-16 round iron bracket or 1 x 3-16 inch iron straps, same to be not over ten feet apart, securely fastened into joists or beams by means of two large screws for each end. Pipe rest brackets shall be used on every twenty feet of vertical pipe. All brackets shall be painted with one coat of asphalt or red lead paint, or be galvanized.

Supports for base
of pipe.

SEC. 34. Base up pipes must be supported, if practicable, on strong brick piers, or otherwise held in place against the wall by strong iron hangers or straps.

How vent pipe
should terminate.

SEC. 35. No vent pipe shall terminate below the roof or on side of building, but must be extended above the roof as specified for soil pipes.

How vent pipes
reduced or in-
creased.

SEC. 36. When vent pipes are reduced or increased, a proper fitting manufactured for that purpose must be used. Whenever it is necessary to use bushing in increasing or decreasing, they must always be of brass.

Second-hand ma-
terial to be ap-
proved by in-
spector.

SEC. 37. No second-hand material or fixture will be permitted to be used until they have been approved by the Inspector of Plumbing.

Pipes not to be
tapped.

SEC. 38. No drain, soil, waste, or vent pipe shall be tapped, saddle hubs being strictly prohibited.

How drain or
sewer replaced.

SEC. 39. No building, or addition, shall be constructed over an existing terra cotta drain or sewer, but in each case the house drain or sewer shall be replaced with cast iron pipe within the limits of the proposed building and three feet outside of said building.

SEC. 40. In all buildings used jointly for residence and business purposes, separate and sufficient water closets shall be provided for the use of families and for the use of employees and patrons of the place.

Separate closets
buildings and
residences.

SEC. 41. No paper other than what is commonly known as toilet paper shall be placed in any water closet or allowed to enter any soil pipe.

Toilet paper.

SEC. 42. The installation of stationary wooden sinks and wooden laundry tubs or copper lined wooden bath tubs is prohibited inside of any building used for human habitation without first securing permission from the Board of Aldermen. Such sinks and tubs shall be of non-absorbent material.

SEC. 43. When a single closet or other plumbing fixture is alone located in a building, or on the top floor of any building, and there is a soil or waste pipe of undiminished size from ground up and through building, the revent pipe may be dispensed with. Closets shall not be over three feet away from such pipe.

Re-vent omitted,
when.

SEC. 44. Slit joints shall not be permitted on the sewer side of any trap except Dayton waste and vent filing with rubber gasket and metallic ring, nor any soldering unions unless they have a metal ground joint connection. Unions of wrought iron pipe shall be made by means of metallic brass seated ground unions and made tight without gaskets or packing.

SEC. 45. Traps, catch basins, floor washouts, urinal gutters and wash racks in barns or stables shall be provided with deep seal traps having heavy strainers. Such traps shall have a depth of seal of at least three inches, and shall be located at the floor line. An adequate water supply shall be provided for flushing such gutters; all liquid waste from barns or stables shall be intercepted before entering the sewer by a catch basin placed outside of the building, which shall be either a catch basin constructed according to the specifications for such catch basins, or a cast iron catch basin provided with bolt air-tight iron cover. Work to have proper vent.

Barn drainage.

SEC. 46. Permits will be required for all work except a

What is a re-
pair job.

repair job. A repair job is held to mean one that does not require a change in a fixture or a pipe line.

All work first-class.

SEC. 47. Any and all work shall be done in a first-class workmanlike manner, and materials not specified shall be first-class in all respects and approved by the Inspector before being used.

When soil or other pipes become a nuisance or detriment to health.

SEC. 48. If any soil, waste, vent or sewer pipe, or any trap or fixture becomes stopped up, is broken or leaking, a nuisance or a detriment to health, the plumber called upon to repair the same shall make all alteration necessary to secure the same, and all such alteration and repair shall be in strict conformity with these regulations.

Hiding of defects.

SEC. 49. Any master plumber or any of his or their employees who shall hide any defects in any pipe fitting or plumbing material, shall be sufficient cause to revoke the license of a master plumber and also to prohibit any journeyman plumber or apprentice from working at the plumbing trade in the City of Durham, for such time as the Board of Aldermen may determine.

Filling up public drains.

SEC. 50. Any person who shall fill up, or in any manner injure or obstruct any of the public drains, or sewers, in any part of the city, shall pay a fine of five dollars.

SEC. 51. Any person who violates any of the provisions of this ordinance whether in doing that which is forbidden or in failing to do that which is required, shall, upon conviction, be fined twenty-five dollars, and if the violation is a continuing one each day that it continues after a conviction thereof, shall be deemed a separate offense and be punished as provided in this section, provided this section shall not apply to any section of this ordinance in which the penalty for the violation thereof is expressly set out.

SEC. 52. It shall be unlawful for any person, firm or corporation to place any metallic pipe or pipes nearer than the distance of one foot from any wire used for the purpose of conducting electricity without first notifying the City Electrician.

Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined five dollars.

CHAPTER XIX

BUILDING LAWS

SECTION 1. When any person shall be desirous of erecting, repairing, changing or altering any building, buildings or structure, within the limits of the City of Durham, he shall make application at the office of City Building Inspector for a permit for that purpose, and shall furnish said City Building Inspector with a written statement of the proposed location, dimensions and manner of construction of the proposed building, buildings or structure, and the materials to be used. After which, if it shall appear to said City Building Inspector that the laws and ordinances of the city are complied with, he shall give the permit asked for. Permit.

SEC. 2. Blank forms for the detailed statement as herein required, may be obtained at the office of the City Building Inspector for applicants to fill out, describing location of proposed structure, number and height of stories, and for what purpose the building, buildings or structure is designed, and such other information applicable to the proposed improvement, which statement so properly filled out, the owner or owners, his or their architect or agent, shall sign the agreement contained in said detailed statement, that he or they will in all respects construct the work in accordance with such detailed statement, plans and specifications, and in compliance with the laws and ordinances of the City of Durham, and it shall not be lawful to proceed to construct, alter or repair any building, buildings or structure within the limits of said City of Durham without such permit. Forms.

SEC. 2-A. The City Building Inspector shall keep a record of all permits issued, which shall be regularly numbered in the order of their issue. He shall, on application for that purpose, furnish the owner or owners, contractor or contractors, his certificate that said house or building is in all respects conformable to law, and properly constructed. City Engineer
keep record and
issue certificates.

SEC. 3. It shall not be lawful for any person to erect, construct or build, or cause to be erected, constructed or built, any brick, iron, granite, marble or stone house or building, or any Unlawful to
erect unless
inspected.

house or building composed partly of brick, iron, granite or stone, or to alter any such building so as to make it substantially a new building, unless the same shall have been inspected from time to time by the City Building Inspector, and a certificate furnished by him that the said house or building is properly constructed, and in all respects safe and secure; and should said City Building Inspector award such certificate to any person or persons for any house or building not constructed according to the provisions of this ordinance, the bond given by such City Building Inspector shall be liable for all injury and damage caused by his giving such erroneous certificate.

Building within
fire district.

SEC. 4. No person or persons shall erect or cause to be erected, within the fire limits of the City of Durham, as now established by ordinance, or hereafter may be established by ordinance, any building or addition to a building, the outer walls of which are not composed entirely of brick, stone, mortar, or other incombustible material. Every building erected or built as aforesaid shall be covered or roofed with slate, tin, zinc, copper, iron or other equally fireproof roofing, and if any building within the limits aforesaid shall be destroyed to the extent of one-half thereof, it shall be unlawful to rebuild the same unless the outer walls and roof of the portion rebuilt shall be composed entirely of incombustible material. Any person who shall violate any of the provisions of this section shall forfeit and pay the sum of twenty dollars, and the further sum of ten dollars for each day the same shall be permitted to remain without being made to conform to the laws and ordinances of the city.

Conditions under
which City
Engineer may
condemn.

SEC. 5. If any owner or owners of any building within the fire district of the City of Durham shall fail or refuse to comply with the foregoing section, when his or their building shall have been damaged to the extent of fifty per cent as aforesaid, then the City Building Inspector shall, if he considers such building or part thereof, unsafe or dangerous to life or limb, condemn the same, observing always the provisions contained in Section 33 of Chapter 19 of these ordinances.

Walls, etc.

SEC. 6. The height for stories for all given thickness of walls must not exceed 11 feet in the clear for basement, 18

feet in the clear for first story, 15 feet in the clear for second story, 13 feet in the clear for third story, 12 feet in the clear for fourth story, and 14 feet in clear average height of upper story. If any story exceeds these heights respectively, the walls of such story, and of all stories below the same, shall be increased four inches in thickness additional to the thickness hereinafter mentioned.

SEC. 7. In accordance with the foregoing provisions, all walls for business buildings shall be of the thickness designated in the following table: Provisions.

HEIGHT OF BUILDING	THICKNESS OF WALL IN INCHES				
	First Story	Second Story	Third Story	Fourth Story	Fifth Story
1-Story Building	13	-----	-----	-----	-----
2-Story Building	17	13	-----	-----	-----
3-Story Building	17	17	13	-----	-----
4-Story Building	22	17	17	13	-----
5-Story Building	26	22	17	17	13

Parapet walls to rise not less than 18 inches above roof and to be not less than 13 inches thick. Parapet walls.

Girders and beams to rest on ledges of metal, stone or brick. Girders.

The following being a full and correct description of a standard building:

Is one having walls of brick or stone (brick preferred) not less than 13 inches thick at top story, extending through, and 18 inches above roof in parapet and coped, and increasing 4 inches in thickness for each story below to the ground, the increased thickness of each story to be utilized for beam and girder ledges. Ground floor area not over 5,000 square feet (say 50 by 100), height not over 4 stories, or 50 feet; floors of 3-inch plank, covered by 1-inch flooring crossing at right angles, with water-proof paper between (tin or sheet-iron between preferred); wooden beams and girders and wooden story posts or columns 12 inches square, or protected iron columns; elevators, stairways, etc., cut off by brick walls or plaster on metallic studs and lathing; communications with stairways Standard building.

at each floor protected with approved tin-covered doors and fire-proof sills; windows and doors on exposed sides, protected by approved tin-covered doors and shutters; walls of flues not less than 8 inches in thickness, to be lined with fire-brick, terra cotta or cast-iron, and throat capacity not less than 64 square inches, if steam boilers are used; all floor timbers to be trimmed at least 4 inches from outside of flue; heated by steam; lighted by gas; cornices of brick, metal, terra cotta or other incombustible material; roof covered with metal or tile; if partitions are hollow or walls are furred off, there must be mortar or other firestops at each door.

Business building.

SEC. 8. The term "Business Building" shall embrace all buildings used principally for business purposes, thus including, among others, hotels, theatres and office buildings.

Wholesale store.

SEC. 9. The terms "Wholesale Store" or "Warehouse" shall embrace all buildings used (or intended to be used) exclusively for purposes of mercantile business or storage of goods.

Basement.

SEC. 10. A basement story of any building is defined as a story whose floor is 12 inches or more below the sidewalk, and whose height does not exceed 11 feet in the clear. All such stories that exceed 12 feet high shall be considered as first stories.

Height.

SEC. 11. The height of all buildings for the purpose of this ordinance shall be taken from the grade of sidewalk to a point half way from the lowest to the highest part of the roof.

Increase of height.

SEC. 12. Whenever it is sought to increase the height of any building beyond the height for which the original permit was granted, the thickness of walls thereof shall also be increased in accordance with the above table.

Walls of rooms, etc.

SEC. 13. The outside walls of rooms having trussed roofs or ceilings, such as churches, public halls, theatres, dining rooms or the like, if more than 15 or less than 25 feet high, shall average at least 16 inches; if over 25 feet high, at least 20 inches; if over 45 feet high, at least 24 inches in thickness. An increase of 4 inches in thickness shall be made in all cases where the walls are over 100 feet long, unless there are cross walls of equal height.

SEC. 14. If solid buttresses are employed with a sectional area of 300 or more square inches, placed less than 18 feet apart, and extended to or nearly to top of walls, 4 inches may be deducted from the thickness of any wall having such buttresses.

Buttresses.

SEC. 15. Cut stone facings of walls shall be backed up with brick-work of same thickness required where no cut stone is used. In cases where the cut stone is in a great measure self-supporting, 4 inches less thickness of brick backing may be used. Ashler fronts, properly bonded to the brick-work, may have backing same as self-supporting stone fronts or walls.

Stone facings.

SEC. 16. Any party wall now existing that shall have been built conformable to the requirements of any law regulating the construction of such walls, and in force at the time of such construction, if sound and in good condition, may be used in the construction of any adjoining building: *Provided, however,* That no brick-work shall be placed on such wall to give additional height to the wall, unless the thickness of such additional wall and the thickness of the old wall in each story shall at least equal the thickness required for division walls. This section shall apply in all cases where it is desired to add additional height to any business building being to add additional height to any business building. In case of outside walls of any business building being built against the wall of any old building (not being a party wall), the new wall shall be of the same thickness required for outside walls in such building.

Party walls.

SEC. 17. Buildings having the first story, or basement and first story, designed for business purposes, and the upper stories for dwellings, the first being not more than 30 inches above grade of sidewalk, shall have walls of brick-work of the thickness as follows, to-wit: For two-story and basement buildings, the basement and first story walls, 17 inches; second story, 13 inches. For three-story and basement buildings, basement wall, 22 inches; first and second stories, 17 inches; third story, 13 inches. For four-story buildings, the basement wall 26 inches; first story 22 inches; second story, 17 inches; third and fourth stories, 13 inches.

Requirements and proportions.

SEC. 18. All dwelling houses, including those having first story used for business purposes, and all other buildings that

Dwelling houses.

Flat roofs.

are used, more than two stories high, having flat roofs, shall have all the walls (except front walls) extended 18 inches above the roof, and not less than 13 inches thick; to have proper copings of incombustible materials; double pitched roofs to have their division and side walls carried up, forming fire walls in same manner; walls at the eaves of all roofs (except flat roofs) shall be carried up their full thickness flush with upper edge of the rafters of roof, and the sheeting boards shall be bedded in mortar on such walls.

Business buildings.

SEC. 19. Business buildings more than two stories high, having flat roofs, shall have their side and rear walls carried up 18 inches above the roof; division or party walls, 24 inches above, forming fire-walls not less than 13 inches thick; to have copings of incombustible materials. Front walls may terminate flush with the upper surface of sheeting of roof. Division and party walls to extend through mansard or other steep roofs not less than 18 inches, and having copings same as other fire-walls.

Front walls.

Chimneys.

SEC. 20. No chimney shall be built with less than 4-inch walls and no chimney top shall be less than 5 feet above the roof (for flat roofs) and 2 feet above the ridge of any pitched roof. Ordinary flues in business buildings shall have walls and 8-inch jams; flues larger than 250 square inches and less than 500 square inches shall be surrounded with walls not less than 8 inches thick; the walls of such flues, above the inlet funnel, shall be 12 inches thick for the first 15 feet around and above such inlet; tops of such chimneys to be at least 8 feet above the roof, or 5 feet above the highest part of the roof within 50 feet of such chimney. Flues with more than 500 or less than 800 inches area shall have not less than 12-inch walls for the first 36 feet, and 16-inch walls opposite the inlet and 10 feet above the same; top of chimney 10 feet above the roof, or 7 feet above the highest part of the roof within 50 feet of such chimney: *Provided*, That all chimneys having walls less than 8 inches thick shall be plastered on the brick or be covered with metallic lath or wire cloth before plastering.

Kinds of chimneys applicable.

SEC. 21. The provisions of the foregoing sections as to the thickness of walls pertaining to chimneys shall be applicable only to such chimneys as are part of or situated in any

building. Flues in party walls shall not extend beyond the center of the wall; joint flues in party walls shall be separated by a 4-inch "width" of fire-brick their entire height.

SEC. 22. Any chimney not forming a part of a wall shall rest upon the ground with proper foundation, and in no case shall any chimney rest on or be supported by frame-work, beams or posts of wood-work of any description.

Chimneys not a part of wall, how treated.

SEC. 23. Proper foundation or masonry shall be prepared for the support of buildings, and no foundation shall be less than one foot below the exposed surface of the ground, and in no case shall any foundation rest on any filling or made ground. The breadths of the foundations of the several parts of any building shall be proportioned so that, as nearly as practicable, the pressure shall be equal on each square foot of the foundation. Cement mortar shall be used in the masonry of all foundations exposed to dampness.

Foundations.

SEC. 24. No wall of any building now erected, or hereafter to be built or erected, shall be cut off or altered without a permit so to do, having been first obtained from the City Building Inspector. Every temporary support placed under any structure, wall, girder, beam or column, during the erection, finishing, altering or repairing of any building, or part thereof, shall be equal in strength to the permanent support required for such construction.

Repairing walls.

SEC. 25. No timber, excepting lathing strips, shall be used in any wall of any brick building except arch forms for interior arched opening.

Timber in walls.

SEC. 26. The backing of any iron front that is not wholly self-supporting shall be treated as an independent wall. If the iron is self-supporting, then the party wall shall be extended to meet the outer thickness of iron, and all vacancies shall be filled with grout to insure a complete separation of adjoining buildings.

Iron fronts.

SEC. 27. The weather covering of all roofs, except of cottage dwelling houses not over 16 feet high above the grade of the sidewalk, shall be made of incombustible materials.

Weatherboarding.

Roofs.

SEC. 28. No uncovered tar, composition, resin, felt or wood-work shall in any way be exposed on any roof or appendages.

Bay windows,
etc.

SEC. 29. Appendages to any business building above the first story, and above 30 feet from grade of sidewalk on any building, if not wholly of incombustible material, shall be enveloped with metal. Dormer windows, cornices, mouldings, balconies, bay windows, towers, spires, ventilators, etc., shall be considered as appendages.

Permit.

SEC. 30. No bay window or other structure shall be placed on any building so as to project over any public way or square without the permission of the Board of Aldermen.

Roofs.

SEC. 31. All roofs shall be so constructed as to be reached by a scuttle or by iron steps fastened to the outside of the outer wall.

Dimensions to
sustain load.

SEC. 32. Joists and girders in any building shall be of proper dimensions to sustain the load designed to be placed upon them.

Condemnation of
buildings, etc.

SEC. 33. Every building which shall appear to the City Building Inspector to be especially dangerous by reason of bad condition of walls, overloaded floors, defective construction, decay, or other causes, shall be held to be unsafe; and the City Building Inspector besides proceeding as provided in Section 5 of Chapter 19, shall also affix a notice of the dangerous character of the structure in a conspicuous place on the exterior wall of said building. Any person removing such notice so affixed shall be liable to a fine of ten dollars for each and every offense.

Alterations.

SEC. 34. No building now or hereafter built shall be altered until it has been apporved by the City Building Inspector as being in a good and safe condition to be altered as proposed, and the alteration so made shall conform to the provisions of this and any ordinance of the City of Durham in relation thereto.

Material.

SEC. 35. In the erection or alteration of any building within the fire limits, the material of which, in whole or in part, is other than brick, stone or wood, the thickness of walls

of such material and the method of construction shall be such as the City Building Inspector shall approve.

SEC. 36. No building within the fire limits of the City of Durham shall be used or occupied, in whole or in part, for any of the trades hereinafter mentioned, to-wit: Planing mills, sash, door and blind factories, unless such building so occupied shall have in connection with it a brick or fire-proof vault of sufficient capacity to contain all shavings, sawdust, chips or other light combustible refuse connected therewith, and all such shavings and other light combustible refuse shall be removed daily from such premises to such vault. In no event shall proprietors, owners or lessees or such manufactories allow combustible refuse to accumulate upon any lot or in any building within the fire district unless stored in a fire-proof vault.

Buildings, for what used.

SEC. 37. All the officers appointed under this, or any future amendments to the same, shall, so far as may be necessary for the performance of their respective duties, have the right to enter any building or premises in said city.

Entry of buildings by officers.

SEC. 38. Any work in addition or alteration made for any purpose in, to, or upon any building, except the necessary repairs, not affecting the external or party walls, chimneys, stairways, or height of building, shall, to the extent of such work, or alteration or addition, be subject to the regulations of this ordinance.

Alteration.

SEC. 39. If any chimney flue or heating apparatus on any premises shall, in the opinion of the City Building Inspector endanger the premises, the City Building Inspector shall at once notify, in writing, the owner or agent of said premises; if such owner or agent fails for a period of 48 hours after the service of said notice upon him to make such chimney flue or heating apparatus safe, he shall be liable to a fine of five dollars.

Unsafe chimneys, notice.

SEC. 40. Any person, persons, firm or corporation employed in building or repairing any house on any of the streets of the City of Durham, may use the sidewalk in front of any lot on which such buildings are being erected or repaired with materials necessarily used in erecting and repairing such build-

Rules governing building.

ing until the same be covered or repaired and thirty days thereafter and no longer. Such person, persons, firm or corporation employed in building or repairing any house on any of the streets of the City of Durham shall enclose the part thereof which fronts on the street to the height of eight feet, and may use the whole of the sidewalk, and embrace said sidewalk within such enclosure: *Provided*, That any person, persons, firm or corporation engaged in repairing the second story of any building adjacent to the sidewalk may in lieu of the enclosure herein provided for erect over and above the sidewalk in front of the said building a substantial scaffold, not less than ten feet high, and entirely covered with a double floor over the said sidewalk; the said scaffold to be subject to the approval of the City Building Inspector. Any person, persons, firm or corporation violating this ordinance shall be fined five dollars every day that the materials are allowed to remain in the street beyond sidewalk, and five dollars for every day that building or repairing is done without erecting the above prescribed enclosure or scaffold.

Temporary sidewalk.

SEC. 41. Whenever any sidewalk shall be dug or torn up by any person or corporation, the said person or corporation shall, within three days from time of the beginning of digging away or tearing up the sidewalk, construct over said sidewalk so dug or torn up, a substantial foot-way not less than three feet in width, with proper guards on the side for the use of the public, which shall be maintained until said sidewalk is restored and repaved in proper manner. Every person or corporation violating this section shall be fined five dollars for each and every day which shall elapse until a footway shall be constructed as herein provided.

SEC. 42. It shall be the duty of every person, persons, firm or corporation carrying on the business of contractors for the erection of buildings in the City of Durham, to register in a book to be provided for that purpose at the office of the City Building Inspector, giving name and place of business. It shall further be the duty of every person, firm or corporation carrying on said business of contractor for the erection of buildings to give a good and sufficient bond in the sum of five hundred dollars, to be approved by the Mayor, conditioned up-

on the observance of the rules and regulations contained in these and subsequent ordinances, for faithful performance of duty in erecting any and all buildings which they may have contracted to erect or build and to indemnify the City of Durham against loss in any manner whatsoever for any unskillful or negligent work or conduct in the performance of the duties imposed by the ordinances of said city, or for any damage to sewer pipes of streets or sidewalks of said city, or for the use of defective or improper material used in said work, or for any damage which may accrue to any person, firm or corporation by reason of any default of said contractor. This ordinance shall apply to owners of property erecting their own buildings by employment of laborers by the day. Except that outside the fire district where repairs do not exceed in value the sum of fifty dollars, and where no work is done on flue or chimney, and where no material is stored on or over a street, sidewalk or alleyway, said bond, permit and license shall not be required. That license shall be issued from the first day of May of each year for a period of twelve months.

SEC. 43. No person, persons, firms or corporations shall be permitted to do any business as contractors for the erection of buildings of any kind in the City of Durham unless they are duly licensed as herein required, or unless in the employment or under the supervision of a licensed contractor. Should any property owner refuse to pay for the class of work and materials required by the rules and ordinances of the City of Durham, the contractors will decline to work and report the same to the Building Inspector, and the contractor who takes a contract without the necessary changes will forfeit his license and be subject to the punishment prescribed for plumbers.

Contractors using defective material forfeit license.

SEC. 44. That for all violations of the provisions of this chapter, not provided for elsewhere in these ordinances, the person, persons, firms or corporations so violating shall, upon conviction, be fined five dollars for each offense, and if the violation be a continuing one, each day that it continues after the conviction thereof shall be deemed a separate offense and shall be punished as above prescribed.

Penalties.

CHAPTER XX

MISCELLANEOUS PROVISIONS

City seal.

SECTION 1. Be is ordained by the Board of Aldermen of the City of Durham, that the Seal of the City of Durham shall be as follows: A circle one and five-eighths inches in diameter, with the device of two leaves of tobacco, tied with a bow through the center thereof. Above said device the words, "City of Durham," and below "North Carolina" shall be inscribed.

Clerk keeps seal.

SEC. 2. That it shall be the duty of the Clerk of the Board of Aldermen to keep in some secure place the Seal of the City of Durham, and affix said Seal to whatever papers the Board of Aldermen shall direct.

Deeds, how executed.

SEC. 3. Whenever it shall be necessary for the City of Durham to execute a deed to real estate or contract, or agreement of any other kind to any person, persons, company or corporation, it shall be sufficient execution of the same that the said deed, contract or agreement be signed by the Mayor of the city and the Clerk of the Board of Aldermen, and the seal of the city thereto affixed.

Money paid out only on order of the Board.

SEC. 4. No money shall be paid out of the city treasury unless by order of the Board of Aldermen in meeting assembled, and then only upon warrant signed by the Clerk of the Board: *Provided*, That in cases of emergency the Clerk of the Board may issue a warrant for money in an amount not to exceed ten dollars upon order of the Finance Committee.

Face of warrants to show nature of claims.

SEC. 5. All warrants shall state upon their face the nature of the claims for which said warrants are drawn.

Clerk to keep duplicate.

SEC. 6. The Clerk shall retain in a book kept for that purpose, a stub duplicate of every such warrant issued.

Debts paid only when this section is observed.

SEC. 7. No debt created by any city officer or employee shall be paid or recognized by the Board, unless the provisions of this chapter are complied with.

Costs to follow judgment.

SEC. 8. That in all cases of violation of these ordinances, the person found guilty shall, in addition to the fine, pay the costs of the warrant and of the officers, which costs shall in

all cases be covered into the city treasury: *Provided*, That the Recorder may, in his discretion, remit the costs or suspend judgment on the payment of costs, or remit a part of the fine.

SEC. 9. Whenever the Recorder shall adjudge that an offender be imprisoned, or shall impose a fine and costs upon such offender against any ordinance of the city, such offender shall stand committed to the guard-house until such fine and costs are paid: *Provided*, Such offender may be required to work on the streets, at usual price per day for labor on the streets, until he shall have discharged the fine and costs: *Provided, further*, That female offenders convicted in the Recorder's court of offenses against the State laws or the ordinances of the city, may be sentenced by the Recorder to imprisonment in the county jail for not more than thirty days.

Judgment, how
executed.

SEC. 10. The Recorder shall be entitled to the following fees in cases herein enumerated, whereof he may have jurisdiction as Recorder: For any warrant issued by him for the recovery of any penalty or for the arrest of any person for the violation of an ordinance or for other cause of action, twenty-five cents; for every judgment thereon, one dollar, to be taxed among the costs; for every warrant issued by him as Recorder to apprehend an offender against the criminal laws of the State, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed on submission or conviction of the offender, among other costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on the removal of the offender by such as convey him away. In all other cases than those above mentioned, the fees of the Recorder shall be the same as are allowed to justices of the peace by the laws of North Carolina for like service.

Fees for Recorder.

SEC. 11. The Turnkey of the City of Durham shall receive a fee of thirty cents for each person taken into and a like fee of thirty cents for each person taken out of the City jail, said fee to be taxed and collected as other court costs, provided the above fees shall not apply where persons are taken in and out of the City jail by order of the Recorder or Chief of Police of the City of Durham.

ENACTING THESE ORDINANCES

Repugnant ordi-
nances repealed.

SEC. 12. All ordinances heretofore in force in the City of Durham which are repugnant to, or inconsistent with, the ordinances hereinbefore set out, are hereby repealed. But no offense committed and no penalties incurred under any ordinance hereby repealed, shall be affected by this repeal.

ADDENDUM

Be it ordained by the Board of Aldermen of the City of Durham:

SEC. 71. It shall be unlawful for any person, firm or corporation to build or construct any sidewalk or sidewalks in the City of Durham until a permit has been secured therefor from the City Engineer, and the said City Engineer shall furnish a copy of specifications governing the same and the said work shall, in all respects comply with said specifications.

Any person, firm or corporation, violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined the sum of five dollars.

CHARTER

OF THE

CITY OF DURHAM

CHAPTER 235, ACTS OF 1899

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the City of Durham shall be, and continue as they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The City of Durham," and under such name and style is hereby invested with all the property and rights of property which now belong to the corporation, and by this name may acquire and hold for the purpose of its government, welfare, and improvement, all such estate as may be devised, bequeathed, conveyed to, or otherwise acquired by it, and the same may, from time to time, sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Incorporation.

Property rights.

1903.

SEC. 2. The corporate limits of the City of Durham shall be as follows, to-wit: The boundary lines of said City of Durham shall be in the shape of a parallelogram four thousand (4,000) yards long and three thousand (3,000) yards wide, the northern and southern boundary lines being of the length of four thousand (4,000) yards each, and running parallel with the center line of Main street between Mangum street and Dillard street, and the eastern and western boundary lines being of the length of three thousand (3,000) yards each, and running at right angles with the northern and southern boundary lines; the distance from a stone eight (8) inches square

Corporate limits.

1901.

set up at the point where a straight line running along the middle of Mangum street intersects a straight line running along the middle of Main street in the present City of Durham shall be as near as may be the geographical center of the city limits, that is to say, the city boundaries herein prescribed shall be so laid off that the distance from the aforesaid stone at the intersection of said Mangum street and Main street shall be two thousand (2,000) yards by a straight line to the nearest point on the eastern boundary line of said parallelogram, and the distance from said stone shall be two thousand (2,000) yards by a straight line to the nearest point on the western boundary line of said parallelogram. And the distance from said stone shall be seventeen hundred and sixty (1,760) yards by a straight line to the nearest point on the northern boundary line, and the distance from said stone shall be twelve hundred and forty (1,240) yards by a straight line to the nearest point on the southern boundary line of said City of Durham.

Electors.

SEC. 3. That no person shall be entitled to vote at any election held in the City of Durham, unless he shall be a qualified elector under the laws and constitution of the State of North Carolina and shall have resided next preceding the day of election ninety days within the corporation: *Provided, however,* That any person who shall have resided for ninety days next preceding the first Monday in May, 1901, within the limits fixed by an act entitled "An act to amend the Charter of Durham," and ratified on the first day of March, 1901, shall be entitled to vote at any election that may be held in the City of Durham for any purpose on the first Monday in May, one thousand nine hundred and one, or at any date thereafter if such person be otherwise qualified under the laws and constitution of the State of North Carolina.

Proviso.

1901.

Who eligible to office.

SEC. 4. That no person shall be eligible as Mayor or Alderman, or other officer, unless he shall be a qualified voter as prescribed in Section 3 of this Charter.

Division of city into wards.

SEC. 5. That the Board of Aldermen of said city are empowered and directed, within thirty days after the passage of this act, to divide the said City of Durham into four wards and fix the boundaries thereof, and said Board of Aldermen are hereby instructed to advertise the said boundaries for

Boundaries to be advertised.

thirty days at the courthouse door and in two newspapers published in Durham, North Carolina; that for the purpose of elections the City of Durham shall be divided in such precincts as the Board of Aldermen may direct: *Provided*, The said Board of Aldermen shall make the voting places and the boundaries of the said precincts conform, as nearly as may be practicable, to those designated and prescribed by the general law for election of State and county officers.

1901.

Division of city
into precincts.
Proviso.

SEC. 6. That a registration shall be had of the voters of the city for each precinct, and that a copy of the registration shall be furnished the poll holders, and no person shall be allowed to vote unless his name shall be found thereon. ,

Registration.

SEC. 6-A. That the Board of Aldermen shall provide for an entire new registration of voters, prior to the election of officers to be held on the first Monday of May, in the year one thousand nine hundred and one.

New registration.
1901.

SEC. 7. That the Board of Aldermen, or upon their failure to act, the Mayor, shall appoint a suitable person for each precinct to act as Registrar within his precinct of the corporation of said city, and the registration shall close on the second Saturday before the day of election.

Appointment of
Registrars.

SEC. 8. The Registrars shall attend the voting place of their respective precincts, between the hours of nine o'clock a. m. and four o'clock p. m., for four consecutive Saturdays, beginning on the fifth Saturday next preceding the day of election and keep open said registration books for the registration of such electors residing in said precinct as may be lawfully entitled to register and vote therein, who have not before been admitted to registration in said precinct, or whose names do not appear in the list of registered voters therein. The Registrars, before admitting any one to register as a duly qualified voter, shall require the elector to take the following oath: "I, ..., do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States and the constitution and laws of North Carolina, not inconsistent therewith; and that I have been a resident of North Carolina for twelve months, and of the City of Durham for ninety days next preceding this date; that I am a duly qualified

Days and hours
of registration.

Oath of Election.

elector, and that I have not registered for this election in any other precinct, and that I am a *bona fide* resident of precinct No., in the City of Durham. So help me, God." And upon taking said oath, the Registrar shall enter the name, age, residence and day of registration of said elector, upon the registration books of the precinct as a duly qualified voter therein: *Provided, however,* If on the day of election, or between the closing of the registration books and the day of election, any one shall become twenty-one years of age, or otherwise qualified to vote, by reason of residence, he shall be allowed to register and vote on that day.

Elector becoming
21 after the
close of books
allowed to regis-
ter.

Registration
books deposited
in Mayor's office.

SEC. 9. That on the first Monday after the close of the registration books, at or before ten o'clock a. m., they shall be deposited in the office of the Mayor of the city and be opened for the inspection of the citizens.

Challenge of
voters.

SEC. 10. It shall be lawful to challenge the right of any person to vote, either on the day of election when he offers to vote, or on the day of registration when he offers to register; and if it shall appear to the judges of election, or a majority thereof, or to the registering officer, that such person is disqualified to vote under the constitution and laws of the State, he shall be excluded from registration, or, if he has been registered, from voting.

Time of regular
elections.

1903.

SEC. 11. That there shall, on the first Monday in May, one thousand eight hundred and ninety-nine, and on the first Tuesday after the first Monday in May biennially thereafter, be elected a Mayor and eight Aldermen for said city, who shall hold their offices until their successors are qualified, said officers to be elected by the qualified voters of the whole city.

Appointment of
Inspectors.

SEC. 12. That for the purpose of electing said officers, the Aldermen shall, at least twenty days before the election, appoint two inspectors for each precinct, who shall be qualified voters residing in the precinct, and the inspectors shall give ten days' notice thereof by public advertisement, and the inspectors, before they proceed to act, shall be sworn by the Mayor or a justice of the peace, to conduct the election fairly and impartially, and according to law, and in case of the absence of any inspector, his place shall forthwith be supplied by the Mayor.

SEC. 13. That on the day of election the inspectors shall give due attendance at the time and place; shall be judges of the polls; receive the votes and conduct the election in like manner, and during the same hours of the day, as election for members of the General Assembly.

Duties of inspectors on election days.

SEC. 14. That the Mayor shall be voted for in one box, on one ballot, written or printed, and the Aldermen in another box, on one ballot, written or printed.

Ballot boxes.

SEC. 15. That at the close of the election the inspectors shall proceed to count the ballot and shall meet at the Mayor's office at twelve o'clock m. of the next succeeding day, to canvass the election and declare the result thereof; and such person voted for as Mayor having received the highest number of votes shall be declared duly elected Mayor for the ensuing term of two years, and of those persons voted for as Aldermen, the eight receiving the highest number of votes shall be declared duly elected Aldermen of the city for the ensuing term of two years, and such Mayor and Aldermen shall be notified of their said election, by the inspectors, on the day succeeding their election.

Count of ballots and canvass of election returns.

1903.

SEC. 16. That if among the persons voted for as Mayor there shall be an equal number of votes between any two or more having the largest number, the Aldermen elect shall proceed within five days after their qualification to select a Mayor of such persons, and if among the persons voted for as Aldermen there shall be a like tie, the remaining Aldermen within five days after their qualification shall select of such the person or persons to be Aldermen.

In case of tie vote, how Mayor and Aldermen are chosen.

SEC. 17. That the inspectors for each precinct shall certify and subscribe two poll lists, and return one of them to the Clerk of the Board of Aldermen, who shall keep it among the archives of the city, and the other to the Register of Deeds of the county.

Poll lists.

SEC. 18. That the Mayor, immediately after his election and before entering upon the duties of his office, shall take the following oath: "I (A. B.) do hereby solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all of the duties

Oath of Mayor.

of the office of the Mayor of the City of Durham while I continue therein, and will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the city, and in the discharge of my duties I will do equal justice in all cases whatsoever."

Oath of Aldermen.

SEC. 19. That each Alderman before entering on the duties of the office, shall take before the Mayor or some justice of the peace, an oath, that he will truly and impartially perform the duties of Aldermen for the city, according to the best of his skill, ability and judgment.

Term of office.

SEC. 20. That the Mayor and Aldermen shall hold their offices, respectively, until the next succeeding election, and until their respective successors are qualified.

Vacancies, how filled.

SEC. 21. That if any person chosen Mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, the Aldermen shall choose some qualified person Mayor for the term, or for the unexpired portion of the term, as the case may be; and on like occasion and in like manner the Aldermen shall choose other Aldermen to supply the place of such as shall refuse to act, and fill all vacancies which may occur, and such persons only shall be chosen as are hereafter declared to be eligible, and reside in the ward from which the Aldermen whose place is to be filled, was elected.

1903.

1901.

SEC. 21A. That not more than two Aldermen shall be residents of the same ward.

Penalty for refusal to serve.

SEC. 22. That any person elected Mayor or Alderman who shall refuse to be qualified and act as such, shall forfeit and pay, for the equal use of the city and of him who sues therefor, twenty-five dollars.

Penalty for wilful failure to call election.

SEC. 23. That if the Aldermen shall wilfully fail to give the notice of election or to hold and declare the same in the manner herein prescribed, such of them as shall be in default shall forfeit and pay, for the equal use of the city and for him who shall sue therefor, twenty-five dollars.

City loses no corporate rights by failure to elect officers.
1903.

SEC. 24. That the city shall not lose any of its corporate rights and privileges by failure to elect officers on the day in any year, when an election ought regularly to be held.

SEC. 25. That in case of failure to elect municipal officers on any said day in May of any year when an election ought regularly to be held, the electors residing within the corporate limits may, after ten days' notice, signed by seven of said electors, and posted at three places within the corporate limits and published in some newspaper printed in the city, proceed to appoint registrars and inspectors in like manner as the Board of Aldermen or Mayor are herein authorized to do, and such registrars and inspectors shall hold an election for municipal officers, in the way and manner herein provided for registrars and inspectors, appointed by the Board of Aldermen or Mayor.

How election called when Aldermen fail to do so.

SEC. 26. That the Mayor of the City of Durham, while acting as such, is hereby constituted a special court, with all the authority, jurisdiction and powers in criminal offenses occurring in the corporate limits of said city, or within one-half mile thereof, that are now or hereafter may be given by law, to justices of the peace, and shall also have exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said city, and all causes of action within the jurisdiction of a justice of the peace involving penalties imposed by this Charter, or ordinances enacted thereunder. The proceedings in said court shall be the same as are now or may hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Durham County, and in all cases where the defendant shall be adjudged by the said Mayor to be imprisoned or to pay fines or penalties according to law or the ordinances of the city, and the person or persons against whom the same is adjudged refuses or is unable to perform such judgment, it shall be lawful for the Mayor to sentence the defendant or such persons to imprisonment in the jail of Durham County, for a term not exceeding thirty days, and to adjudge also, that the defendant, or any such person, work, during the period of his confinement, on the public streets or other public works of said city or until, at a fair rate of wages, such person or persons shall have worked out the full amount of such fines and penalties and cost of prosecution. The said special court shall have power, jurisdiction and authority of a justice of the peace, to hear and determine all

Mayor constituted a special court.

His jurisdiction.

Proceeding in Mayor's court.

causes of action to recover fines and penalties for a violation of the ordinances of the City of Durham.

Mayor's precepts,
to whom issued.

SEC. 27. That the Mayor may issue his precepts to the policemen of the city, and to such other officers to whom a justice of the peace may direct his precepts, and such policemen or other officers are authorized to execute such precepts or process throughout the County of Durham.

Minute of pro-
ceedings before
Mayor.

SEC. 28. That the Mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties, in the County of Durham and elsewhere, in the same manner and by the same means as if the same had been rendered by a justice of the peace for the County of Durham.

Mayor's office,
duties, and fees.

SEC. 29. That the Mayor shall keep his office at such place in some convenient part of the city as the Board of Aldermen may designate. He shall perform such duties as from time to time shall be prescribed, and he shall receive such compensation and fees as may be allowed by law or the ordinances of the corporation. He shall exercise a constant supervision over the conduct of all the subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also have power to suspend or remove such officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defense. On the removal or suspension of such officer or officers, the Mayor shall report the same, with his reasons therefor, to the Board of Aldermen at their next regular meeting, who shall then have power to review his decision, if requested in writing to do so by the officer or officers affected thereby.

1903.

May remove
from office sub-
ordinate officers.

Mayor preside at
meetings of
Board.

SEC. 30. That the Mayor, when present, shall preside at all meetings of the Board of Aldermen; and when there is an equal division upon any question, or in the election of the

officers by the Board, he shall determine the matter by his vote. He shall vote in no other case. The Board of Aldermen shall, at their first meeting, designate one of their own members, to exercise the duties of the Mayor, as prescribed in the Charter, when the Mayor shall be absent, on account of sickness or other causes; the said Mayor *pro tempore* is hereby invested with all the powers and authority conferred upon the Mayor by this Charter, to try and determine actions.

Votes when.

Mayor pro tem.

SEC. 31. That the Aldermen shall form one Board, and a majority of them shall be competent to perform all the duties for the Aldermen, unless otherwise provided; within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the Aldermen may also be held on the call of the Mayor or a majority of the Aldermen, and of every such meeting, when called by the Mayor, all of the Aldermen, and when called by a majority of the Aldermen, such as shall not join in the call, shall be notified in writing.

Aldermen.

Majority competent to do business.

Regular and special meetings.

SEC. 32. That the Board of Aldermen shall have power to vote each member of the Board a sum not exceeding one hundred dollars per annum as a compensation for his services; and if any member shall fail to attend any general meeting of the Board of Aldermen, or any special meeting of which he shall have notice, as aforesaid, unless prevented by such cause as shall be satisfactory to the Board, he shall forfeit and pay for the use of the city the sum of five dollars.

Compensation of Aldermen.

SEC. 32-A. That the Board of Aldermen of said City of Durham, by the vote of three-fourths of its members in meeting assembled, shall have power to remove from office the Mayor or any Alderman of said City, for malfeasance, misfeasance, corruption, neglect of duty or other misconduct in office, but the person to be proceeded against shall have at least ten days' notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the ground of his proposed removal, and shall have the right to be heard in person or by counsel in his defense; and in case of the removal of the Mayor or any Alderman under the provisions of this

Removal of Mayor or Alderman from office.

1903.

Appointment of successor.

section the vacancy shall be filled by the Board of Aldermen or the remaining members thereof.

Power to make
rules, ordinances,
etc.

SEC. 33. The Board of Aldermen, when convened, shall have power to make such ordinances, rules and regulations for the proper government of the city as they may deem necessary, and provide for the proper enforcement and execution thereof, in such manner as they may think best.

Power of the
Board.

SEC. 34. Among the powers hereby conferred upon the Aldermen are the following:

Water supply,
charges and
rates.

To provide a sufficient water supply, fix charges and rates therefor, and provide all necessary rules and regulations for the government and conduct of the business of such persons and corporations as are engaged in furnishing water for the use of the said City of Durham and the inhabitants thereof; to provide lights, fix charges and rates therefor, and prescribe all necessary rules and regulations for the government and conduct of the business of such persons or corporations as are engaged in furnishing lights for the use of the said city and the inhabitants thereof.

Lighting, charges
and rates.

Streets.

To open, grade, build, curb and pave new streets; to repair, widen, ascertain location of, change, keep clean, alter and vary the established streets or grades of streets, alleys and sidewalks in said city; to improve, repair, grade, curb or pave the sidewalks or pavements now established, or that may hereafter be established in the said city, or cause the same to be improved, repaired, graded, curbed or paved, and to recover from the owner or occupants of lots (fronting or adjoining the pavements in which curbing or pavement shall be made) one-half of the expense of the work, which expense shall be a lien on the said lot or lots *Provided, always,* That the owner of such lot shall have ten days' notice, in writing, of the order of the Board, and if, for any reason, personal notice cannot be given, the same shall be published for ten days in the newspapers of the City of Durham.

1903.

Sewers and sewerage.

To construct or to contract for the construction of a system of sewerage for the city, and protect and regulate the same, by adequate ordinances; and if it shall be necessary, in obtaining proper outlets for such a system, to extend the same beyond the corporate limits of the city, then in such case the

Board of Aldermen shall have power to extend it, and, both within and without the corporate limits, to condemn property for the purpose of right-of-way, or other requirements of the system, the proceedings of such condemnation to be the same as those prescribed hereinafter for condemning private property for streets, or as near as may be, in the manner prescribed in Chapter XLIX, Volume 1, of the Code of eighteen hundred and eighty-three.

To purchase, establish and regulate public grounds, including one or more parks, have charge of, improve, adorn and maintain the same, and protect the shade trees of the city.

Public grounds
and parks.

That the Board of Aldermen of the City of Durham are hereby authorized to purchase one or more tracts of land for the purpose of establishing one or more public squares in the City of Durham and of one or more public parks near the City of Durham: *Provided*, That all the same shall not exceed six hundred acres nor any tract be situated further than six miles from the city of Durham; if the owners thereof and the said Board of Aldermen shall not be able to agree upon a price for said land, said Board shall have the right to condemn the same in the same manner as is provided in Section 61, Chapter 235, of the Private Laws of 1899, for condemnation of land for streets; in case of such condemnation the title to such tract or tracts of land shall be in the City of Durham in fee-simple.

Public squares
and parks.

Number of acres
and situation.

Right to con-
demn land.

Procedure.

Title.

1901.

To borrow
money with con-
sent of voters.

And in order to carry out, execute and enforce the powers hereinbefore given in this section, to borrow money, pledge the faith of the City of Durham, or loan its credit and levy and collect the taxes necessary to pay off and discharge any such debt, principal and interest, with the consent of the majority of the qualified voters of the city, which consent shall be obtained at an election, held after thirty days' public notice, whereat those who shall consent shall vote "Approved," and those who shall not consent shall vote "Disapproved;" but they shall not borrow any sum of money when the existing aggregate indebtedness of said city equals in amount one-tenth of the aggregate tax value of the property of said city, as shown by its tax books of the preceding year, or exceeds the same, nor any sum which, when added to the aggregate indebtedness of the city then already existing, would render the full amount of the indebtedness of the city larger than one-tenth of the aggregate

tax value of the property of the said city, as shown by its tax books for the preceding year; and in any public notice of a proposition to borrow money so submitted to the votes of the qualified voters of the said city, as above provided, shall be included a statement of the then existing aggregate indebtedness of said city, other than that hereinafter provided for, and of the aggregate tax value of the property of said city, as shown by the tax books for the preceding year, and of the purposes for which such money is to be borrowed.

Markets. To establish and regulate a market or markets in the said city, and erect or lease and use a suitable market house, or market houses therefor.

Cellars. To prevent cellars being opened or made under the sidewalks or streets of the city, the deposit of trash boxes or other rubbish or obstruction upon the sidewalks or streets.

Speed of trains. To regulate the speed of locomotives and trains, and to regulate and prevent fast driving within the city, and also the firing of firearms, fireworks and all explosives or combustibles or dangerous material in the streets, public grounds or elsewhere within or near the city.

Protection at crossings. To provide for the better protection of life, limb, person and property at the crossing of the streets of said City and the railroad tracks now located, or which may be hereafter located, in the city; to require the railroad companies operating said tracks to erect gates or place flagmen to warn the public of the approach of trains and engines.

Prevent fires. To provide proper and effectual means and regulations to prevent and extinguish fires in said city, and for such purpose to direct the destruction of building, for which neither the city, the Aldermen or other person shall be responsible in damages.

Fire districts. To divide the city into fire districts and prescribe the kind of buildings that may be erected therein.

Sell property. To sell or cause to be sold publicly or privately any property real or personal, belonging to the city, and all of its right, title and interest in and to all land used for street or other public purposes: *Provided*, That this shall not confer any right upon the city to dispose of any land owned by or in possession of any railroad as its right of way, and direct the Mayor, when necessary, to make proper conveyance therefor.

Proviso.

1903.

To make suitable regulations for the observance of Sunday, in said city, and to provide for the enforcement of same. Sunday observance.

To appoint and regulate city watches. City watches.

To prevent, suppress and remove nuisances in said city. Nuisances.

To regulate the manner in which dogs may be kept in said city. Dogs.

To make such provisions as they may deem necessary to preserve the health of said city, and to take all necessary measures to preserve said city from contagious or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein, with all the rights of entry upon the property and other rights of every character necessary therefor. To establish, regulate and maintain hospitals within the city or five miles thereof. To cause any person in the city or within two miles of its corporate limits suspected to be infected with contagious or infectious diseases, whose presence may endanger its health, to be removed or confined. To remove or destroy any furniture or other articles which may be suspected of being tainted or infected with such disease, and neither the city or any officer or person directing or causing such removal or destruction shall be responsible therefor in damages. Preserve health and prevent contagion.

Destroy furniture.

To establish and maintain one or more public cemeteries of such size as they may deem necessary within or without the corporate limits of said city, and provide for the care and maintenance of the same and the proper regulation, control and protection thereof. Cemeteries.

To appoint policemen and other officers to execute such precepts as the Mayor and other persons may lawfully issue to them, to preserve order and execute the ordinances of the city, and to appoint and provide for the pay of, and prescribe the duties of, all such officers as may be deemed necessary. Appoint officers.

To make provisions and take all proper measures to preserve the peace and order of the city, and to execute all laws and ordinances thereof. Preserve order.

To determine, when necessary, the boundaries of the streets, lots and alleys of the said city, and to establish new streets, lanes and alleys therein, and to make and keep for public inspection and cause to be made and kept, accurate records of said streets, lots, lanes, and alleys and their boundaries. Boundaries of streets, lots, etc.

Plots for proposed streets approved by Aldermen.

No individual, corporation, association or partnership shall open or lay out any new street or streets, or sell lots abutting on the same without first having had a plot of said proposed street or streets made and submitted to the Board of Aldermen of said city and approved and accepted by said Board. The said Board of Aldermen may pass all necessary ordinances to regulate and control the opening of streets and alleys in said city.

License auctioneers.

To make provisions for licensing and regulating auctioneers and auctions in said city, and provide for the enforcement of same.

Theatres, etc.

To provide for licensing, regulating and restraining theatrical and other public amusements within the city, and all bills, posters and advertisements, and to enforce all such provisions.

Inspections.

To establish and regulate all necessary inspections within said city, whether of buildings or otherwise, and order and compel the removal of dangerous or defective buildings.

Bar-rooms.

To license, regulate and restrain bar-rooms and other places where spirituous liquors are sold within the city.

Levy and collection of taxes.

To lay and provide for the collection of all taxes authorized by law to be laid, levied or collected by said city, and enforce the collection of the same.

Collect fines.

To impose, collect and appropriate fines, penalties and forfeitures for a breach of the ordinances and regulations of the city.

Regulate charges for carriage of persons and freight.

To prescribe and regulate the charges for the carriage of person, baggage and freight by omnibus, street car, wagons, drays or other vehicles in the city, and to issue licenses for omnibuses, hacks, drays and other vehicles used therein for the transportation for hire, of persons or things.

To protect hackmen.

To protect the hackmen, carriage drivers, keepers of restaurants, boarding houses and hotels from being cheated, defrauded or deprived of just compensation for services rendered, or accommodation furnished, and if necessary for such purposes to make and enact ordinances prescribing fines and penalties.

Carry into effect ordinances.

To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this act: *Provided*, They are not incompatible with the constitution or laws of this State.

SEC. 35. That the Board of Aldermen shall, at their first meeting after election, appoint a Clerk, a Treasurer and a Collector of Taxes; each of said officers shall respectively hold his office during the official term of the Aldermen and until his successor is qualified, subject to be removed, however, and another appointed in his stead, for misbehavior or neglect of the duties of his office; and at such time and meeting the Alderman shall elect a Chief of the Fire Department, a Chief of Police, and one or more Policemen or Constables, and such other officers and employees as the Board of Aldermen may determine, and prescribe their duties and fix their compensation, who shall hold office during good behavior and until removed by causes satisfactory to the Board of Aldermen. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond, with justified securities, payable to the City of Durham, in such sum as the Aldermen shall determine, conditioned for the faithful performance of the duties of said office.

Election of Clerk and other officers.

1907.

SEC. 36. That the Clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the Board, and to preserve all books, papers and articles committed to his care, during his continuance in office, and deliver the same to his successor and to perform such other duties as may be prescribed by the Aldermen.

Salary of Clerk.

SEC. 37. That any person shall be allowed to inspect the journals and papers of the Board in the presence of the Clerk under a penalty of two dollars on the Clerk for every refusal, to be paid to him who shall sue for the same.

Persons allowed to inspect journals and papers.

SEC. 38. That the Treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands any money or securities belonging to the city, which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city; to disburse funds according to such orders as may be duly drawn on him, in the manner hereinafter specified; he shall keep in a book, provided for that purpose, a fair and accurate account of all moneys received and disbursed by him, and shall submit said account to the Aldermen whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the

Treasurer's salary.

moneys, securities and properties entrusted to him for safe keeping, or otherwise, and during his continuance therein, he shall faithfully perform all the duties lawfully imposed upon him as City Treasurer.

Orders, how
signed.

SEC. 39. That all orders drawn on the Treasurer shall be signed by such persons as shall be designated by the Aldermen, and state the purpose for which the money is applied, and the Treasurer shall specify said purposes in his accounts, and also the sources from whence are derived the moneys received by him.

Duties of Police-
men.

SEC. 40. That it shall be the duty of the Policemen to see that the laws, ordinances and orders of the Aldermen are enforced, and to report all breaches thereof to the Mayor; to preserve the peace of the city by suppressing disturbances and apprehending offenders, and for that purpose they shall have all the power and authority vested in sheriff and county constables; they shall execute all precepts lawfully directed to them, by Mayor or others, and in the execution thereof shall have the same powers which the sheriffs and constable of the county have, and they shall have such fees on all processes and precepts executed or returned by them as may be allowed by the Board of Aldermen, not to exceed fees allowed the sheriff and constables of the county, for like services, and also such other compensation as the Aldermen may allow.

Powers of Police-
men.

SEC. 41. That the Policemen shall have the same powers, and be bound by the same rules in this respect, as the constables of the County of Durham, to apprehend all offenders against the State, within the limits of the city, and to carry them before the Mayor or some justice of the peace, and for such duty they shall have such fees as may be allowed by the Board of Aldermen, not to exceed fees allowed to constables of the county for like duties, to be paid by the party offending, if found guilty.

Duties of Tax
Collector.

SEC. 42. That it shall be the duty of the Tax Collector to collect the general taxes provided for in this Charter, and such special taxes as the collection of is not otherwise provided for herein. For such purpose, he is hereby vested with the same power and authority and subjected to the same fines and penal-

Powers of Tax
Collector and
compensation.

ties as the sheriff or tax collector of Durham County is, or may be by law, and for his service he shall receive such compensation as the Aldermen may fix, not to exceed two (2) per centum of the taxes collected. He shall, at no time, retain in his hands over three hundred dollars, for a longer time than seven days, under a penalty of ten per centum per month, to the city, upon all sums so retained. Before receiving the tax list from the Clerk, as is provided in this Charter, the Tax Collector shall give bond, payable to the City of Durham, with justified sureties, in such amount as the Aldermen may determine: *Provided*, It shall not be less than ten thousand dollars, nor more than double the amount of taxes for the preceding year.

SEC. 43. All tax lists which have been or which may hereafter be placed in the hands of the Tax Collector, shall be at all times subject to the control of the authorities imposing the tax, or their successors in office, shall be exhibited to the authorities for inspection and correction, and if the Tax Collector fails, or refuses to exhibit his list for such purpose upon such demand, he shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned not more than two years, and fined not exceeding five hundred dollars, at the discretion of the court.

Tax lists subject to control of Aldermen.

SEC. 44. The Board of Aldermen, at or before the first meeting in March of each year, shall appoint two or more of their number to be present and assist at the accounting and settlement between the Tax Collector and the Treasurer of the taxes for the preceding year. In such settlement he shall be charged with the sums appearing by the tax lists as due for city taxes, and all special taxes with which he is chargeable, and he shall be allowed all credits authorized by the Board of Aldermen. The accounts when so audited shall be reported to the Board of Aldermen, and when approved by them shall be recorded in the minute book of said Board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error.

Settlement with Tax Collector.

SEC. 45., In case the Tax Collector of the City of Durham shall fail, neglect or refuse to account with the City Treasurer and Assistant Committee, as herein required, or pay what may be rightfully found due on such account, on or before the

Penalty for failure of Tax Collector to account and settle.

fifteenth day of March of the next succeeding year after the taxes are levied, he shall forfeit and pay to the State, for the use of the City of Durham, a penalty of five hundred dollars. It shall be the duty of the Mayor upon the neglect, failure or refusal of said Tax Collector to account as aforesaid, to cause an action to be brought in the Superior Court of the County of Durham, on the bond of the said Tax Collector against him and his sureties, to recover the amount owing by him and the penalty aforesaid; if the Tax Collector shall fraudulently and corruptly fail to account, as aforesaid, he shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine in the discretion of the court, or be imprisoned not less than three months nor more than twelve months.

Death of Tax
Collector, sure-
ties to collect.

SEC. 46. If any Tax Collector shall die during the time appointed for collecting taxes, then his sureties may collect them, and for that purpose shall have all the power and means for collecting the same from the tax payers as the Tax Collector would have had, and shall be subject to all the remedies for collection and settlement of taxes on their bonds and otherwise as might have been had against the Tax Collector if he had lived.

Eight months in
which to settle.

1903.

SEC. 47. The Tax Collector (and in case of his death, the sureties) shall have eight months and no longer from the day prescribed for his settlement for city taxes, to finish the collection of all taxes, but the extension of time for collection shall not extend his time of settlement of city taxes as aforesaid.

Suit on bond.

SEC. 48. That for any breach of his official bond by the City Clerk, Policemen, Tax Collector, or any other officers who may be required to give an official bond, he shall be liable in an action on the same, in the name of the city, or any person aggrieved by such breach, and the same may be put in suit without assignment, from time to time, until the whole penalty is recovered.

Taxes.

SEC. 49. In order to raise funds for the current expenses of the city and thereafter for the improvement of the same and the payment of the interest on its bonded debt, and the creation of a fund to meet the principal of that debt when due, the Board of Aldermen of the city, shall at their first meeting

in June, or as soon thereafter as practicable in every year, lay and provide for the collection of the following taxes:

(1.) On real and personal property within the limits of said city, and all other subjects taxable by the General Assembly of the State, as specified and valued under the provisions of law, an *ad valorem* tax not exceeding one dollar on every hundred dollars of such valuation, as of the first day of June of every year. Property.

(1-A.) That all cemeteries, property held for educational, scientific, literary, charitable or religious purposes, located within the corporate limits of the City of Durham shall be exempt from taxation. Certain property exempt from taxation.
1901.

(2.) On all persons residing in said city on the first day of June in every year subject to poll tax under the law of the State, a poll tax not exceeding three dollars each. Poll Tax.

(3.) On every express company, telegraph company, electric light company, water company and power company, doing business and having an office in said city, a license tax not exceeding in amount one per centum of the gross receipts by it, at its office in said city, received during the preceding year up to and including the thirty-first of May next before the date of fixing such license tax. Whenever any company of the character above named shall be operated partly in this State and partly without the State, the above tax shall be upon the gross receipts (at its said office) on the business done within the State, the receipts upon interstate business being prorated in the ratio which the distance within the State bears to the entire distance of transmission or transportation. The manager or agent in charge of the business of any such company in said city on the first day of June in every year, shall on that day, or if that day be a Sunday or a legal holiday, on the next day thereafter, make to the Clerk of the Board of Aldermen of said city, who shall have power in such case to administer oaths, a written return under oath, signed by him, of the amount of such gross receipts. Any such manager or agent who shall fail or refuse to make such returns on the day whereon the same shall be made, as hereinbefore provided, shall be guilty of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned not more than thirty License tax on various corporations.

days. Every such company, whose manager or agent, as aforesaid, shall fail or refuse to make such returns at the time hereinbefore provided for, or which shall fail to pay the license tax upon its said business, within the time prescribed by the Board of Aldermen for such payment, shall be guilty of a misdemeanor, and upon conviction shall be fined one thousand dollars. The amount of such license tax, upon the failure of such agent or manager to make such return as hereinbefore provided, shall be fixed by the said Board of Aldermen at its next meeting after the day on which such return should be made as hereinbefore provided, or at some other meeting thereafter, by determining the amount of such gross receipts, as nearly as they can ascertain the same, and of such amount so determined, which, for such purpose, shall be taken and deemed to be the amount of such gross receipts, taking one per centum thereof as such license tax.

License taxes.

(4.) In addition to the other subjects listed for taxation in said City, the Board of Aldermen thereof may lay and cause to be collected taxes on the following subjects, as a license tax for the privilege of carrying on the business or doing the act named, respectively, the amount of which, when laid, shall be collected by the Chief of Police of said city immediately, and if the same be not paid on demand, they may be recovered by suit or seizure, or sale of the articles on which they are severally imposed, or of any property used in carrying on such business, or of any other property of the owner in said County of Durham, in the same manner as hereinafter provided for the sale of personal property by the Tax Collector for *ad valorem* taxes:

Leaf tobacco.

(1.) Upon every leaf tobacco dealer, a tax not exceeding twenty-five dollars a year.

Commission merchants.

(2.) Upon commission merchants, auctioneers or brokers, a tax not exceeding one hundred dollars a year.

Brokers.

(3.) Upon every stock or bond broker, or upon every person, firm or corporation keeping an office in said city, where margins are bought or sold, or stock market transactions engaged in, a tax not exceeding five hundred dollars a year.

Vehicles for hire.

(4.) Upon every omnibus used for the carriage of persons for hire, a tax not exceeding twenty dollars a year; and

upon every hack, carriage or other vehicles used for the transportation of freight or other articles of hire, a tax not exceeding fifteen dollars a year; and a discrimination may be made between one and two-horse vehicles in the tax: *Provided, however,* A distinction may be made between residents and non-residents of the city operating such vehicles or conveyances.

(5.) Upon every keeper of livery, livery or sales stables or stock yard, a tax not exceeding twenty-five dollars: *Provided* A distinction may be made between resident and non-resident keepers of such. Livery stables.

(6.) Upon all dogs kept in the city, and which are so kept on the first day of June, a tax not exceeding three dollars a year: *Provided,* A discrimination may be made in the sexes of the dogs in the tax. Dogs.

(7.) Upon every transient merchant, trader or street peddler offering to vend in the city, a tax not exceeding one hundred dollars a year, or twelve dollars a month, except only as sell books, charts or maps. Transient merchants.

(8.) Upon every public billiard table, shooting gallery, bowling alley, or alley of like kind, skating rink, bagatelle table, or table, stand or place for any other game or play, with or without a name, kept for hire or kept in a place where liquor is sold, or a house used or connected with such house, or a hotel or restaurant, a tax not exceeding one hundred dollars a year nor less than fifteen dollars a year. Billiard tables.

(9.) Upon every hotel, boarding house, victualing house or restaurant, established, open or kept in the city, a tax not exceeding fifty dollars a year. Hotels and boarding houses, etc.

(10.) Upon every permission or license of the Board to wholesale or retail spirituous, vinous or malt liquors, a tax not exceeding five hundred dollars a year, to be paid annually, semi-annually or quarterly, as the Board shall determine: *Provided,* The Board of Aldermen may make a distinction between wholesale and retail dealers, or spirituous, vinous or malt liquors. Bar-rooms.

(10-A.) That no license to wholesale or retail spirituous, vinous or malt liquors shall be granted to any person to conduct such business at a point more than five hundred yards Limits prescribed in which liquor license may be granted.

1901. from the center of the City of Durham, as such center is established in Section 1 of this act.
- Circuses. (11.) On every exhibition of a circus or menagerie within the city, or two miles thereof, one hundred dollars for each separate exhibition, and on each side show, twenty-five dollars, to be paid before the exhibition, or if not paid then, the same to be doubled.
- Dog or pony shows. (12.) Upon every dog or pony show or exhibition within the city or a mile thereof, a license tax not exceeding twenty dollars.
- Opera houses. (13.) Upon every hall, building or place hired, leased or let for theatrical plays, operas or other stage exhibition of any kind, a tax not exceeding two hundred and fifty dollars a year.
- Sleight-of-hand performances, etc. (14.) Upon every exhibition within the city, of stage or theatrical plays, sleight-of-hand performances, rope-dancing or walking, a tax not exceeding twenty-five dollars, to be paid before exhibiting, or the same to be doubled: *Provided*, This section shall not apply where such exhibition or performance is given in a hall or building or place licensed under this Charter.
- Exhibitions for reward. (15.) Upon each exhibition, for reward, of wax-works, or curiosities of any kind, natural or artificial, a tax not exceeding ten dollars.
- Other exhibitions. (16.) Upon each exhibition of any other kind, and on each concert, for reward, and on every strolling musician, a tax of five dollars, except when the exhibition or concert is given for charitable or benevolent purposes, or to aid in any public improvement or enterprise of the city.
- Sewing machine agents. (17.) Upon every manufacturer, dealer in, or agent for sewing machines or musical instruments, a tax not exceeding fifty dollars a year.
- Hucksters. (18.) Upon every street huckster, photographer, merchandise or produce broker, a tax not exceeding twenty-five dollars a year.
- Itinerant dentists. (19.) Upon every itinerant dentist, itinerant medical practitioner, optician, portrait or miniature painter, daguerrean artist, photographer, and every other person taking likenesses of the human face, a tax of five dollars a month: *Provided*, License shall not be granted or issued for less period than one month.

(20.) Upon every itinerant person or company peddling lightning rods, stoves or ranges, a tax of fifty dollars a month on each wagon (if wagons are used) ; if wagons are not used, the tax shall be paid for each agent: *Provided*, License shall not be granted or issued for less period than one month.

Itinerant lightning-rod dealers.

(21.) Upon every bill-poster, a tax of not more than ten dollars per annum: *Provided*, The Aldermen may authorize license for less time or period than one year.

Bill-posters.

(22.) Upon every horse drover selling horses, a tax not exceeding fifty dollars a month.

Horse drovers.

(23.) On banks, banking business or bank agents a tax not exceeding one hundred dollars a year.

Banks.

(24.) On dealers in fertilizers and agents for the sale thereof, a tax not exceeding twenty-five dollars.

Dealers in fertilizers.

(25.) On every lumber dealer or dealer in bricks or other building materials, or manufacturers thereof, or agents thereof not exceeding twenty dollars for every yard, warehouse, office or place of business.

Lumber and brick dealers.

(26.) On every person, firm or company selling pistols, bowie knives, dirks, slung-shots, brass or metallic knuckles, or other deadly weapons of like character, in addition to all other taxes, a license tax not exceeding fifty dollars a year.

Dealers in pistols, etc.

(27.) On any other business, trade, occupation, calling or profession engaged in, carried on, in whole or in part, in, or having a place of business in the corporate limits of said city not otherwise herein taxed or authorized to be taxed, a privilege tax to be fixed by the Board of Aldermen.

Other businesses.

SEC. 50. Every person, clerk or agent who shall practice any trade or profession, or use any franchise, or engage in any business taxed by the Board of Aldermen of the City of Durham, under this Charter, without having paid the tax, and having obtained the license required, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not more than thirty days, for each offense, and for each day this section is violated such person, clerk or agent shall be guilty of a separate offense.

Penalty for practicing trade or profession.

SEC. 51. That the citizens of the City of Durham, and others having property or polls, liable to be taxed on account of any of the foregoing subjects, shall, during the time for listing

Listing of taxes.

their State and County taxes, render to such persons as may be designated by the Aldermen of the city, on oath, a list of their property and subjects for which they may be liable to be taxed, together with the value thereof as fixed in the list returned for county taxation, and from said lists, or such list as may be revised by the Board of Equalization, the Clerk of the Board of Aldermen shall, within sixty days after the expiration of the time for taking such lists, make out, in a book kept or provided for that purpose, an alphabetical list of all persons, companies and owners of property who have so made their returns in the same manner as the tax lists are made out by law for the State and County taxes, and if any person fail to render such list, he shall pay double the tax on any subject for which he is liable to be taxed.

Board of equalization.

SEC. 52. Whenever in their opinion, it may be advisable, in order to secure uniform valuation of property subject to taxation under this Charter, the Board of Aldermen shall appoint three or more residents of the city to constitute a Board of Equalization, whose duties, compensation and length of service shall be prescribed by the said Board of Aldermen.

Tax lists.

SEC. 53. That on or before the first day of August of each year, the Board of Aldermen shall proceed to lay the taxes on such subjects of taxation as are allowed by law, and shall, immediately after the approval of the same, cause to be made a copy of as much and such parts of said tax lists as may be required for the use of the Tax Collector in collecting the taxes of the city; the said copy shall be delivered to the Tax Collector on or before the first Monday in October, in each year, and he shall receipt for same. The Clerk of the Board of Aldermen shall endorse on said copy an order to the said Tax Collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively. The said Tax Collector shall proceed forthwith in the collection, and shall complete same on or before the tenth day of March next ensuing, and shall pay the moneys as they are collected, to the Treasurer.

Copy for Tax Collector.

1903.

Collection of taxes by distress and sale.

SEC. 54. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time pre-

scribed for collection, the Collector shall proceed forthwith to collect the same by distress and sale, after public advertisement, for the space of ten days in some newspaper published in the city, or at three public places, if the property be personalty, and twenty, if the property be realty. Whenever any taxes in said city shall be due and unpaid, the Tax Collector therefor shall proceed to collect the same as follows:

(1.) If any person charged have personal property anywhere in the County of Durham, of value as great as the tax charged against him or against his property, the said Tax Collector shall seize and sell the same as the sheriff is required to sell personal property under execution.

Sale of personal property.

(2.) If the person charged have not personal property to be found in said County of Durham, of value as great as the tax charged against him, or against his property, said Tax Collector shall levy upon the lands of the delinquent in the said County of Durham, or any part of such lands, and, after due advertisement, sell the same for the payment of said taxes. Such advertisement shall be made in some newspaper published in said County of Durham, for at least twenty days immediately preceding the sale, and posting a notice of such sale at the courthouse door in the city at least twenty days before such sale, which shall contain at least a concise description of the real estate to be sold, the name of the person who appears upon the tax list as owner thereof, the amount of taxes for which said sale is to be made, and the day and place of such sale; the said Tax Collector shall divide the land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the Collector shall sell the whole; and if no person shall pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed, as hereinafter provided, shall belong to said city in fee.

Sale of real estate.

SEC. 55. The owner of any real estate, or interest therein, sold as aforesaid, his heirs, executors, administrators or assigns may redeem the same within one year after the sale, upon the same terms and conditions, and subject to the same provisos,

How real estate sold for taxes may be redeemed.

and in the same manner, as are prescribed by the law for the redemption of real estate sold for State and County taxes, except that all the duties, functions and powers provided in such law to be discharged and exercised by the sheriff or tax collector shall be discharged and exercised by the Tax Collector of the city.

Tax Collector to execute certificate.

SEC. 56. On any such sale of real estate, said Tax Collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for State and County taxes, which may be assigned or transferred by the purchaser, whether an individual of said city, as such last mentioned certificates are allowed by law to be assigned or transferred; and if the real estate sold as aforesaid shall not be redeemed as hereinbefore provided, said Tax Collector or his successor in office, under the direction of the said Board of Aldermen, at any time within one year after the expiration of one year, from the date of the sale, on request of the holder of such certificate and production of the same, shall execute to the purchaser, his heirs and assigns, a deed in fee simple for the conveyance of the real estate described in such certificate, and if such certificate shall have been lost, said Board of Aldermen, on being satisfied thereof, by due proof, shall direct the said Tax Collector to execute such conveyance and said Tax Collector shall so execute the same. Any such deed shall be similar in form to the deed directed by law to be executed to a purchaser of real estate sold for State and County taxes, who is entitled to a conveyance of the same and shall be subject to the same rules, provisions, presumptions and conclusions as such last mentioned deed and, effective to the same extent as the last mentioned deed.

And if not redeemed, a deed.

Sale not invalid because charged in wrong name.

SEC. 57. No such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the original owner of said real estate, provided such real estate be in other respects sufficiently described in notice of sale to insure identification.

Rules, regulations and penalties for listing taxes, etc.

SEC. 58. All taxes of said city shall be listed, levied, assessed and collected, except as in this Charter otherwise provided, in the same manner and under the same rules and regulations, and subject to the same penalties as are provided by law, or

shall hereafter be provided by law, for the listing, levying, assessing and collecting State and County taxes in this State.

SEC. 59. When any lien or charges for repairs or improvements of the sidewalks of the city, or for the inspection, removal or destruction of buildings, and for the suppression and removal of nuisances, or other lien or charges, of whatever nature or kind, authorized by the City Charter, shall be due and unpaid the city, the Tax Collector thereof shall proceed to collect the same, by the same process and in the same manner as he is authorized to collect taxes due upon the property subject to such lien or charge, as provided in Section 54 of the Charter.

How charges for repairs, etc., to be collected.

SEC. 60. That in the absence of any contract or contracts with said city in relation to the lands used or occupied by it for the purpose of streets, sidewalks, alleys or other public works of said city signed by the owner thereof, or his agent, it shall be presumed that the said land has been granted to said city by the owner or owners thereof, and said city shall have good right and title thereto, and shall have, hold and enjoy the same. Unless the owner or owners of said land, or those claiming under them shall, at the time of the occupation of the said land, as aforesaid, apply for an assessment of said land, as provided for in the Charter of said city, within two years next after said land was taken, he or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided*, Nothing herein contained shall affect the rights of *feme coverts* or infants until two years after the removal of their respective disabilities.

Lands used for purposes of streets to become property of city for that purpose.

1903.

SEC. 61. That when any land or right-of-way shall be required by the City of Durham for the purpose of opening up new streets or for other objects allowed by this Charter, and for want of agreement as to the value thereof the same cannot be purchased from the owners, the same may be taken at a valuation to be made by three freeholders of the city, one of whom shall be chosen by the Aldermen and one by the land owner, and the two freeholders thus chosen shall select a third, and in making said valuation, said freeholders, or a majority of them, after being duly sworn by the Mayor or a justice of

Condemnation proceedings.

1903.

the peace for the county, or a clerk of the court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered; also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right-of-way: *Provided, nevertheless*, That if any person over whose land the said street may pass, or improvement be erected, or the Aldermen be dissatisfied with the valuation thus made, then, in that case, either party may have an appeal to the next Superior Court of Durham County, to be held thereafter, under the same rules, regulations and restrictions as now govern appeals from judgments of justices of the peace, and the said freeholders, or a majority of them, shall return to the court to which the appeal is taken their valuation, with proceeding thereon, and the land so valued by the freeholders shall vest in the city as soon as the valuation may be paid or lodged in the hand of the Clerk of the Superior Court, in case of its refusal, by the owner of the land, and so long as it may be used for the purposes of the same: *Provided, however*, That such an appeal shall not hinder nor delay the Aldermen opening such street or erecting such improvements: *And provided*, further, That in case of the discontinuance of the use of the land and it reverts to the owner, the city shall have the right to recover any improvement by its authority erected.

Unlawful for County Commissioners to grant license to sell liquors, within city, before permission has been obtained from Aldermen.

SEC. 62. That it shall not be lawful for the Commissioners of Durham County to grant any license to sell by wholesale or retail, spirituous, vinous or malt liquors within the limits of the city or within one mile thereof, without permission first obtained from the Board of Aldermen in office at the time of the application of the County Commissioners, and the Board of Aldermen shall not grant such permission to sell such liquors in any building within one hundred and fifty (150) feet in a direct line from any point on the municipal or market house building, located on Chapel Hill and Corcoran streets in said city; and if any license shall be granted without such permission in writing, attested by the Clerk of the Board and exhib-

ited to the court and filed with the Clerk of the Board of County Commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment, as in other cases of retailing without license, and for every offense of selling, shall, moreover, forfeit and pay to the city the sum of one hundred dollars. That it shall not be lawful for any person to sell spirituous liquors within the corporation or in one mile thereof without first having obtained license and paid tax in accordance with this section.

SEC. 63. The Mayor and Aldermen, Tax Collector and all other officers of the city who shall, on demand, fail to turn over to their successors in office the property, books, moneys, scales or effects of the city, shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than two years and fined not exceeding five hundred dollars, at the discretion of the court.

Penalty for failure to turn over city property.

SEC. 64. That all fines and penalties collected for violation of this Charter or the Ordinances made in pursuance thereof shall go into the city treasury and belong to the City of Durham.

Fines under charter go into city treasury.

SEC. 65. That on and after May the fifteenth, one thousand eight hundred and ninety-nine, no person shall hold more than one office in the municipal government, and a member of the School Committee of the City of Durham is hereby declared to be an officer of the city, for the purposes of this section: *Provided*, however, If the Board of Aldermen may determine to elect an assistant clerk and a bookkeeper for the city, said offices may be held by one and the same person: *Provided, also*, That the Board of Aldermen may prescribe other duties for the Chief of the Fire Department.

No person can hold more than one office.

1907.

SEC. 66. That all laws and parts of laws in conflict with this act are hereby repealed: *Provided*, Nothing contained in this act shall be construed as altering or changing the term of office of any persons elected on the first Monday in May, eighteen hundred and ninety-seven, and the several persons elected at that time as the officers of the Town of Durham shall continue in their respective offices as officers of the City of Dur-

Conflicting laws repealed.

ham until the election and qualification of their successors, under this Charter.

Itemized statements of receipts and disbursements to be published.

SEC. 67. That it shall be the duty of the Board of Aldermen, on the first days of July, October, January and April of each year, to publish, at the courthouse door of Durham County and in some newspaper published in the City of Durham, an itemized statement of the receipts and disbursements of said city, from each and every source, and said Board of Aldermen shall annex to said July and January quarterly statements, a statement of the total indebtedness of said city, how evidenced and when due.

CHAPTER 199, ACTS OF 1905

To extend streets.

SECTION 1. That the City of Durham is hereby authorized and empowered to extend Gregson street, Carr street and Alston avenue, public highways, under the railroad tracks crossing said streets or the extensions of said streets, and to cross the right-of-way of any railroad company owning the same at said crossing or any extension of said streets across said right-of-way.

Unlawful for railroads to cross street at grade.

SEC. 2. It shall be unlawful for any railroad company to lay any track on or across the aforesaid streets or their extensions at the grade of the surface of said streets or any of them, and any railroad company violating this section, its officers, agents or employees, shall be guilty of a misdemeanor and punished, upon conviction in the discretion of the court: *Provided*, That this section shall not take effect until after the provisions of Section 3 shall have been determined.

Proviso: when section in effect.

Duties devolved on Corporation Commission.

SEC. 3. The Corporation Commission of North Carolina is hereby authorized and empowered to ascertain, upon notice and hearing, the value of said right-of-way so taken by said streets, or any extension thereof, across the same, and the distance of the surface of said streets or the extension of either of them to the railroad tracks overhead, and to require the raising, when and to the extent necessary, of the tracks of any railroad now crossing said streets or any extension of said streets, and fix and determine what part of the cost of making said crossing under said tracks on said streets, or any extension

of the same, shall be paid by the City of Durham and any railroad company affected by said crossing: *Provided*, An appeal shall lie from said order or orders by the City of Durham or any railroad company affected thereby as in other cases of appeal from orders of said Commission allowed in the Public Laws of North Carolina, chapter one hundred and sixty-four of the Acts of eighteen hundred and ninety-nine, being the act creating said Corporation Commission.

Proviso: appeal.

SEC. 68. That this act shall be in full force and effect from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

Amendments to this Charter as contained in Private laws of North Carolina, 1901, ratified March 1, 1901, and March 11, 1901, and in Private Laws of North Carolina, 1903, ratified March 2, 1903, and in Private Laws of North Carolina, 1905, ratified February 27, 1905, and in Private Laws of North Carolina, 1907, ratified....., 1907.

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APPENDIX

PRIVATE LAWS OF NORTH CAROLINA, SESSION 1909, CHAPTER 296.

An Act to Provide for the Establishment of a Board of Police and Fire Commissioners for the City of Durham.

SECTION 1. That in order to provide for the better management of the Police and Fire Departments of the City of Durham, a board of police and fire commissioners, to consist of three members, all of whom are to be elected at the regular municipal election to be held for the City of Durham in May, one thousand nine hundred and nine, one of said three commissioners to be elected for the term of six years, one for four years, and the other for the term of two years and three persons so elected shall, after qualifying as hereinafter provided for, be and constitute the board of police and fire commissioners of the City of Durham. The terms of office of said police and fire commissioners shall commence on the first Monday after the said regular municipal election of one thousand nine hundred and nine, and shall continue in office until their successors are elected and qualified.

SEC. 2. That the electors of the City of Durham shall, at the regular municipal election for said city to be held in May, one thousand nine hundred and eleven, and biennially thereafter, elect from electors of said city of Durham one commissioner to succeed the commissioner whose term will expire in that year, and as the terms of the commissioners elected under this bill respectively expire the vacancies in the board thus made shall be filled by electing members for six years, whereby all will serve and hold office for six years, and one to be elected biennially in May by the electors in said city, as hereinbefore provided. If any member of the said board of police and fire commissioners shall refuse to qualify or, after qualification, shall become physically or mentally disqualified to serve, resign, cease to be a qualified voter of the city of

Durham or be a candidate for any office, Federal, State or municipal (same to be found as a fact by the board of aldermen and spread upon its minutes), there shall be at once a vacancy in said board of police and fire commissioners, which vacancy shall be filled by the board of aldermen at their next regular meeting or at a special called meeting, after such vacancy occurs; and when any member of the board of police and fire commissioners is named as an applicant or candidate for any office or a proper person to receive such office, the chairman of said board of police and fire commissioners shall, or any member of said board may, notify him, in writing, that his name is mentioned in connection with such office; and if said member so notified shall not, within ten days after the receipt of said notice, file with the chairman of said board his statement, in writing, that he is neither a candidate nor applicant for such office, and that he will not serve nor accept it if elected or appointed, the said board of police and fire commissioners shall declare vacant his office as a member of said board, which shall be filled in the manner herein prescribed for filling vacancies otherwise created in said board. When such vacancies are filled, for any cause other than expiration of term, they shall be filled by the board of aldermen only for the unexpired term.

SEC. 3. That each commissioner and his successors in office shall, before entering on the duties of his office, take and subscribe the following oath, to be administered by the mayor: "I swear that I will faithfully and impartially demean myself as a member of the board of police and fire commissioners of the city of Durham during my continuance in office. I have not, in order to influence my election to this office of commissioner, directly or indirectly, expressly or impliedly, promised my vote or support to any person for any office in the city of Durham nor for any other office. I will not knowingly permit my vote in the election or appointment of any person to position in the police or fire departments to be influenced by fear, favor or affection, reward or hope thereof, but in all things pertaining to my said office I will be governed by my conviction of the public good." The oath shall be entered upon the minutes of the proceedings of the board, and

the original shall be filed in the office of the city clerk. That on the first Monday after their election said commissioners shall assemble, and, after taking the oath of office, organize and elect a secretary for the ensuing year, who, if said commissioners shall so desire, may be selected from among their own number. The said board of commissioners so organized, shall be known as the board of police and fire commissioners of the city of Durham. The commissioner elected for a term of six years, and his successor in office shall be chairman of said board. The members of the said board shall be paid a salary of one hundred dollars per annum each, to be paid by the city of Durham in equal monthly installments, the said board shall hold regular monthly meetings on the second Monday of each month in some room in the city of Durham designated for that purpose at such hour as the board may determine. The chairman may and, upon written request of any one member, shall call special meetings of said board, of which due notice shall be given to each member not requesting such meeting. The secretary shall keep in proper book a record of the proceedings of all meetings, and shall perform such other duties as the board may require. The said board shall adopt rules and regulations for the government thereof. It shall establish, promulgate and enforce proper rules, regulations and orders for the good government of the police and fire department and in any investigation pertaining to their duties shall have power to compel the attendance of persons and the production of papers, and, through and by their chairman, administer oaths: *Provided*, That such rules and regulations shall not in any way conflict with any ordinance of the board of aldermen.

SEC. 4. The police and fire department of the city of Durham shall be under the general control and supervision of the board of police and fire commissioners herein created and subject to the rules and regulations adopted by said board. Immediately on the election of said commissioners they shall proceed to organize the said department, as herein described, and to assume all the duties conferred upon them by this act. Members of the police force and firemen of the city of Durham shall be appointed by said board of commissioners as

vacancies occur and as herein provided. The officers and members of the police and fire departments shall be appointed to hold office at the pleasure of said board upon good behavior, and the said officer and members of the police and fire departments including the chiefs of said two departments, may be reprimanded, suspended without pay, or dismissed by said board for inefficiency, or for any offense against the rules of said board, malfeasance, misfeasance or non-feasance, neglect of duty, absence without leave, or other breach of discipline, immoral conduct or conduct unbecoming an officer, or rendering him in the opinion of said board unfit to act as such officer. The salaries of the chief of police and of the chief of the fire department and all other members of said two departments shall be fixed and determined by the board of aldermen of the city of Durham.

SEC. 5. That the chief of police and chief of the fire department of said city shall make semi-monthly a full and detailed report to the board of police and fire commission of the condition of their respective departments, service and conduct of the policemen and firemen, and shall each make a monthly report to the board of aldermen of the general condition of their respective departments. In the case of absence or disability of the chief of police, then a member of the police force shall be designated by the police and fire commission to serve during such absence or disability, and the member so designated shall be competent to discharge all the duties of the chief of police.

SEC. 6. That the chief of police may appoint with the consent of the mayor, special police, whenever the exigencies of the times, in his judgment may demand it. He may appoint or employ with the consent of the mayor detectives and assign them to specific duties. He shall be the chief executive officer of the police force, and he shall be chargeable with and responsible for the discipline and efficiency of the police force and the execution of all laws and the rules and regulations of the board of police and fire commission. He shall assign to duty the officers and members of the police force and shall have power to change such assignments from time to time whenever in his judgment the exigencies of the service

may require such change. He shall have power to suspend without pay, pending the trial and charges, any member of the police force: *Provided, however,* That no such suspension shall be continued for a period for more than ten days without affirmative action to that effect by the board of police and fire commissioners. If the suspension of any member of the police force shall not be confirmed by the said board on the charges preferred, he shall be entitled to full pay from the date of suspension, notwithstanding such charges and suspension. Said chief of police may grant leave of absence to the members of the force for a period not exceeding ten days. He shall report to the board of police and fire commissioners all changes or assignments of office and all leaves of absence granted. He shall have general care of the peace of the city and see that all subordinates do their duty in observing the same. He shall have control over the entire police force and see to the execution of every ordinance.

SEC. 7. That the chief of the fire department shall be the chief executive officer of the fire department, and shall be chargeable with and responsible for discipline and efficiency of the members of his department and of the execution of the rules and regulations of the police and fire commissioners; that during the absence or disability of the chief of the fire department the assistant chief shall assume the duties of the chief of the fire department during such absence or disability.

SEC. 8. That all laws and parts of laws inconsistent with or repugnant to this act are hereby repealed.

SEC. 9. That this act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

BOARD OF HEALTH

ACT OF INCORPORATION

An Act to Create a Board of Health for the County and City of Durham and to Provide for the Election of a Superintendent of Health of said County of Durham and City of Durham.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham shall at a joint meeting to be held by them in the court house in the county of Durham on the first Monday of April, one thousand nine hundred and thirteen, at twelve o'clock of the day, elect a board of health for the county and city of Durham, which said board shall be composed of seven citizens of said county, at least two of whom shall be practicing physicians located in the city of Durham or Durham county. Three of said seven members shall be elected for a term of two years and so designated at said election, and four of said seven members shall be elected for a term of three years and so designated at said election. At the expiration of the term of the said three members so elected, their successors shall be elected at a joint meeting of the said board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham for a term of two years. At the expiration of the term of the said four members elected for the term of three years, their successors shall be elected at a joint meeting of the said board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham for a term of two years. The said joint meeting of the board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham for the election of the said members of the board of health shall be held at the court house in the city of Durham on the first Monday of April at twelve o'clock of the day. The clerk of the board of commissioners shall be clerk of said joint sessions and it shall be his duty to notify the

board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham of the time and the place of holding said joint session at least three days before the time prescribed for said joint session, and it shall be his further duty to immediately notify in writing the persons elected at said joint meeting, the term for which they are elected and to certify their names to the clerk of the board of aldermen or other governing authorities of said city.

SEC. 2. The board elected as prescribed in section one of this act shall be known and called the board of health of the county and city of Durham, and the members thereof shall hold their offices for the terms prescribed in section one of this act and until their successors are elected. And if any member of said board shall die, resign, remove from said county, or become incompetent to discharge the duties of said office, his successor shall be elected for the unexpired term by the board of health of said county and city.

SEC. 3. The said board of health of said county and city of Durham created by this act shall elect the superintendent of health of the county of Durham and the health officer of the city of Durham at the time hereinafter prescribed, and the said officer when elected shall be known as the superintendent of health of the county of Durham and the city of Durham and shall perform all the duties and have all the powers now prescribed by law, whether by the public laws of the state or the public local laws for the city and county of Durham now imposed upon the superintendent of health of the county of Durham and the health officer of the city of Durham, and he shall likewise be required to enforce all the rules and regulations now prescribed by the board of health of the city of Durham or which may hereafter be prescribed by the board of health of the county of Durham and city of Durham by this act created.

SEC. 4. On the second Tuesday of April at twelve o'clock of the day following their election the said board of health shall meet in the court house in the county of Durham and elect its chairman and secretary and the superintendent of

health of said county and city and fix the compensation of said superintendent of health. It shall be the duty of the said secretary to certify to the board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham the names of the persons so elected chairman, secretary and superintendent of health and the compensation of the said superintendent.

SEC. 5. The board of health of said county and city created by this act shall be charged with the performance of all the duties and shall be invested with all the powers now prescribed or imposed by law for and upon the sanitary committee of said county and the board of health of said city of Durham, or which may hereafter by law be prescribed or imposed.

SEC. 6. The said board of health shall on the first Monday of June of each year submit in writing to the board of commissioners of said county and to the board of aldermen or other governing authorities of said city of Durham in joint meeting held at the court house in the county of Durham at ten o'clock of said day an estimate of the cost and expense of discharging the duties imposed upon them by law, and enforcing the carrying out of the rules, regulations and ordinances prescribed or enacted for the protection and preservation of the public health and the payment of the salary of the superintendent of health and of such other employees as it now or may be authorized by law to employ. And it shall be the duty of the board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham, respectively, to appropriate for the use of said board of health such amount of money as may by said board be deemed necessary to pay the salaries, costs and other expenses authorized by this act. Fifty per cent of the money so appropriated shall be paid by the city of Durham and fifty per cent by the board of commissioners of Durham county, upon such warrant, as is hereinafter prescribed, by the respective treasurers of the city of Durham and the county of Durham. The money so appropriated by the said commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham

shall be paid by the treasurer of the county of Durham and the treasurer of the city of Durham upon warrants drawn thereupon by the secretary of the board of health, approved or countersigned by the chairman of the said board of health and the superintendent of health: and an itemized statement of such expenses duly verified by the said secretary, shall be published at the end of each quarter of the year and a copy thereof delivered to the clerk of the board of county commissioners and the clerk of the board of aldermen or other governing authorities of the city of Durham.

SEC. 7. It shall be the duty of the superintendent of health to give his entire time to the duties of his office, and he shall visit at least once during each session or term each public school in the county and city of Durham and instruct them as to the preservation of health. He shall be removable by the board of health upon notice to him and after hearing for incompetency or neglect of duty.

SEC. 8. If the chairman of said board, or the secretary thereof, or the superintendent of health shall misapply or misappropriate any of the money appropriated for the use of the board of health by the board of commissioners of the county of Durham or the board of aldermen or other governing authorities of the city of Durham, he shall be guilty of a misdemeanor.

SEC. 9. The board of health shall meet in regular session at the court house in the county of Durham on the first Mondays of May, July, September, November, January and March of each year, and special meetings of said board may be called by the chairman of said board at such other times as he may designate, and notices of said special meetings shall be mailed to each member of said board by the secretary thereof at least two days before the time appointed for said special meeting. The chairman and secretary of said board shall be paid four dollars a day for each regular meeting they shall attend and the other members of the said board shall each be paid the sum of three dollars a day for each regular meeting they shall attend, but no per diem shall be allowed for special meeting, which said sum shall be paid out of the moneys appro-

priated for the expenses of the said board of health. In the event that there shall be an epidemic of disease in the said county or city of Durham which shall create an expense upon the board of health in excess of the amount appropriated by the board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham, then it shall be the duty of the chairman of said board of health to report the fact to the said board of county commissioners and the said board of aldermen or other governing authorities of the city of Durham and request a joint meeting of said boards to appropriate a sufficient amount of money to cover such extraordinary expenses, and in the event of any surplus of appropriation for the expenses of said board of health remaining unexpended at the end of any fiscal year, the same shall be credited upon the appropriation for the next succeeding year.

SEC. 10. Nothing in this act is intended to require or shall be construed as requiring the board of commissioners of the county of Durham to defray any part of the expenses of the sanitary department of the city of Durham or the governing authorities of the city of Durham to defray any expense for sanitation in that part of Durham county beyond the corporate limits of the city of Durham, but such expense of sanitation shall be borne respectively for the city by the governing authorities thereof and for the county outside the city limits by the board of commissioners of the county.

SEC. 11. All laws and parts of laws inconsistent with or in conflict with the provisions of this act are hereby repealed.

SEC. 12. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 3rd day of March, 1913.

H. N. PHARR,

President pro-tempore of the Senate.

GEO. W. CONNOR,

Speaker of the House of Representatives.

Raleigh, April 8th, 1913.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, do hereby certify the foregoing and attached (six (6) sheets) to be a true copy from records of this office.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 8th day of April in the year of our Lord 1913.

J. BRYAN GRIMES.

Secretary of State.

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